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Summary record of the 21st meeting
Held at Headquarters, New York, on Wednesday, 17 October 2018, at 10 a.m.

Chair: Mr. Saikal ..... (Afghanistan)
later: Ms. Shikongo (Vice-Chair) ..... (Namibia)

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The meeting was called to order at 10.05 a.m.

Agenda item 74: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (A/73/40, A/73/44, A/73/48, A/73/55, A/73/56, A/73/140, A/73/207, A/73/264, A/73/281, A/73/282 and A/73/309)

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(c) Human rights situations and reports of special rapporteurs and representatives (A/73/299, A/73/308, A/73/330, A/73/332, A/73/363, A/73/380, A/73/386, A/73/397, A/73/398 and A/73/404)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/73/36 and A/73/399)

1. **Ms. Ní Aoláin** (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism), introducing her report (A/73/361), said that statistics had shown that over the previous year, Afghanistan, Iraq, Nigeria, Syria and Pakistan had borne the brunt of violence, terrorism, trauma, destruction of infrastructure, internal displacement and unquantifiable harm to social and cultural life. She had been deeply affected by her meetings with victims of terrorism in France and Belgium, and the international community must sustain its commitment to such victims and adopt a human rights-based complaint approach that would ensure that all their needs for care were met in the short, medium and long terms. The continued lack of meaningful and sustained engagement by the counter-terrorism architecture with non-governmental and civil society organizations was a concern, and she welcomed the proposal by the Office of Counter-Terrorism to establish a civil society unit, noting that it was supported by her mandate.

2. A serious concern described in detail in the report was the distinct move from treaty-making as the dominant mode of legal regulation in the area of counter-terrorism to assertive and broadly crafted regulatory Security Council resolutions having the primary role in shaping the legal obligations of States in respect of countering terrorism and violent extremism. That shift had had a negative effect on the advancement of meaningful protection of human rights. It appeared that many such resolutions had urged and sometimes required States to implement sanctions regimes and counter-terrorism measures at the expense of the protection of fundamental rights and liberties. As detailed in the report, expedited and non-transparent processes had major implications for public scrutiny, debate and input from relevant actors including States that were not members of the Security Council and civil society. The definition of terminology such as "terrorist act" was overly broad and vague and could fail to satisfy the principle of legality. Agreed definitions of such terms were needed. Meaningful consultations with criminal law and human rights experts across different legal systems, including those within the United Nations system, at the drafting and negotiation stages would reveal and potentially ameliorate the regulatory consequences. However, the speed and closed nature of the process of drafting Security Council resolutions on counter-terrorism made the possibility of such input quite unlikely.

3. Although recognizing obligations to comply with international law including international humanitarian law, human rights law and refugee law in the text of Security Council resolutions was an improvement, it was not enough to meaningfully protect rights. Clear and specific human rights guidance must be contained in the same text rather than just generic mentions of rights. Human rights implications must be analysed and the consequences of "fast-track" resolutions of legislative character must be carefully considered. The General Assembly should enhance the rule of law capacity of the Office of Counter-Terrorism, support the oversight and expertise of the Office of the High Commissioner for Human Rights, and realize the commitment to mainstream human rights as affirmed in the United Nations Global Counter-Terrorism Strategy.

4. **Mr. Tennakoon** (United Kingdom) said that all actions to combat the widespread threat of terrorism must fully respect human rights, fundamental freedoms and the rule of law in order to be effective in the long term. Given the vital role played by the Counter-Terrorism Committee Executive Directorate, his delegation would be grateful to hear the Special Rapporteur's views on how that body could enhance its

efforts to promote respect for human rights in the monitoring of implementation of Security Council resolutions on counter-terrorism.

5. **Ms. Carlé** (Belgium), speaking on behalf of the European Union and its member States, said that the European Union was committed to multilateralism in combating terrorism. Human rights and fundamental freedoms must be fully integrated in all United Nations counter-terrorism initiatives, and the victims of terrorism as well as civil society actors and women should be involved in the fight against terrorism.

6. The implementation of Security Council resolution 2178 (2014) should be in full accordance with international human rights law. She asked the Special Rapporteur how States should address the question of foreign terrorist fighters and returnees, and particularly their children, who were the most vulnerable group. In addition, she wished to know which elements of a common definition of terrorism were crucial in the international context and which should be incorporated at the domestic level.

7. **Mr. Kelly** (Ireland) said that security and human rights should not be seen as competing interests, and it was essential that domestic legislative frameworks addressing terrorism and violent extremism were consistent with international human rights obligations. Human rights must be the cornerstone upon which international and domestic counter-terrorism frameworks were built, and more action was needed to reflect that principle

8. His delegation agreed with the Special Rapporteur in her condemnation of the misuse of counter-terrorism laws by a number of States with the aim of limiting the right to freedom of expression. It was a matter of concern that some language used by the Security Council could occasionally create conditions permitting the limitation of human rights norms at the national level. While recognizing that limited time was often a critical element faced by the Council, he would welcome deeper engagement with civil society and more inclusive debate and examination in the work of counter-terrorism.

9. **Mr. Lafta** (Iraq) said that States must ensure that their efforts to combat terrorism were in line with their obligations under international law, including human rights law, refugee law and humanitarian law.

10. Iraq fully supported the United Nations Global Counter-Terrorism Strategy, which underscored the steadfast rejection and condemnation of terrorism by the international community and its determination to take practical steps to eliminate terrorism in all its forms, including by strengthening the capacity of States to combat terrorist groups and enhancing coordination among relevant United Nations agencies and programmes. In that connection, the adoption of Security Council resolution 2379 (2017) on threats to international peace and security should be seen as a milestone in terms of efforts to bring the perpetrators of terrorist crimes to justice and deter individuals and organizations from providing financial or other forms of support to terrorist groups.

11. The Government of Iraq had taken numerous steps to ensure that it upheld human rights principles while combating terrorism and had adopted legislation on the provision of compensation to victims of terrorism and military operations. The country's Independent High Commission for Human Rights monitored all cases in which civilians were harmed in the course of counter-terrorism operations and human rights were also monitored by civil society organizations, which enjoyed complete freedom to operate within Iraq. Furthermore, national security institutions conducted independent investigations into allegations of human rights abuses and had incorporated modules on human rights principles into staff training programmes in order to raise awareness among security service personnel of the importance of safeguarding human rights while countering terrorism.

12. **Ms. Chekrizova** (Russian Federation) said that the Special Rapporteur appeared to be hostage to the current fashion of criticizing every aspect of the Council's work without considering the context in which it worked, as her mandate did not extend to analysing Security Council resolutions or discussing the Council's approach to documents. The Russian delegation urged her to refrain from that misguided practice, respect the current division of labour in the United Nations system and concentrate on her specific mandate.

13. A unified approach to the human rights dimension of counter-terrorism did not currently exist and could not be created until all States showed the good will and readiness to renounce opportunistic interests and geopolitical considerations. In practice, regional stability and security was jeopardized by insufficient cooperation among States in the fight against terrorism. The patent unwillingness of certain States to categorically denounce international terrorism in all its forms and manifestations on grounds of freedom of speech was alarming. It was particularly unpalatable that they defended or exculpated terrorists using language reserved for human rights. It was also inexcusable for certain United Nations bodies focused on protecting the rights of terrorists and those suspected

of terrorism while failing to defend victims or deal with the impact of terrorist activities on the respect for human rights.

14. The Russian Federation condemned the way in which the topic of observance of human rights in the context of counter-terrorism was used to exert political pressure. The premise of any international cooperation in that regard should be that terrorism could not be justified under any circumstances. Terrorist threats must be countered through the joint efforts of a broad counter-terrorism coalition and on the basis of international law and national legislation.

15. **Mr. Ríos Sánchez** (Mexico) said that the protection of human rights was a fundamental pillar of the United Nations counter-terrorism architecture. Member States should respect the independence of the Special Rapporteur's mandate and her prerogative to select the topic of the report, ensure that civil society organizations and human rights advocates had better access to discussions on human rights and guarantee the mainstreaming of a gender perspective. In the absence of a unified counter-terrorism treaty, Security Council and General Assembly resolutions should emphasize strict compliance with international human rights and humanitarian law, respect for due process, the promotion of non-discrimination and the prohibition of torture.

16. He asked what steps Member States could take to make the Security Council sanctions regime more transparent, which actors should participate in debates on that topic at the Security Council and whether Arria-formula meetings or similar formats could be used. He also wished to receive more information on the impact of technology in that area.

17. **Ms. Ní Aoláin** (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism) said that she had developed a valuable relationship with the Counter-Terrorism Committee Executive Directorate over the previous year. Greater information sharing between the Directorate and other United Nations entities was an important step forward in the United Nations system-wide approach to counter-terrorism. However, greater transparency and engagement with civil society and experts by the Directorate and the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (Counter-terrorism Committee) was needed. That was also true for the country visits undertaken to assess compliance with that resolution.

18. Victims of terrorism needed to be recognized as rights-holders in the language of human rights law, and should not be treated as a category of people separate from other victims who enjoyed rights under international law. The guidance on approaches to foreign fighters prepared by the interagency Working Groups of the Counter-Terrorism Implementation Task Force was welcome, as were the Guidelines for Addressing the Threats and Challenges of "Foreign Terrorist Fighters" within a Human Rights Framework, published by the Organization for Security and Cooperation in Europe. There was a global stalemate on the question of child returnees, but the obligations of international human rights and international humanitarian law and the rights of children in armed conflict were clear. Children of foreign fighters were not in a separate category and it was urgent for them to be returned to their countries of origin. The Special Rapporteur stood ready to assist States, including Belgium, in carrying out that process. On the question of definitions, the Office of the Special Rapporteur also had a precise and clear definition of terrorism that could readily be shared with any interested State.

19. On the question of misuse of counter-terrorism legislation, the majority of communications received on a weekly basis were related to the abuse of such legislation by States against civil society actors and often against those who simply disagreed with their Governments. Such practices were not in compliance with the principles of human rights and were not good administrative practice or an efficient use of counter-terrorism legislation. More disaggregated data and greater transparency in open forums such as the Counter-terrorism Committee would shed light on the actual uses of that legislation in practice. Political will would enable such improvements.

20. With regard to the comments made by the representative of the Russian Federation, she was puzzled by the view that there was no agreed set of commitments to human rights. Human rights constituted one of the pillars, agreed by States, of the United Nations Global Counter-Terrorism Strategy, to which the Government of the Russian Federation was a signatory and which it had been involved in drafting. Human rights were not mere rhetoric, but rather a set of treaty-based, specific, concise and well-defined legal obligations agreed by States.

21. Turning to the comments made by the representative of Mexico, she said that the sanctions and other regimes should indeed be made more transparent, particularly the role of the Ombudsman in that context, and the appeal and other mechanisms should be equally robust.

22. The balance between security and human rights, which were intimately related to one another, should be upheld and the international community must demonstrate real commitment to human rights, not only for moral reasons but also in order to improve the effectiveness of counter-terrorism policy.

23. **Mr. García-Sayán** (Special Rapporteur on the independence of judges and lawyers) said that the independence of judges and lawyers had become a key priority for the international community since the adoption of the Universal Declaration of Human Rights and was recognized as a pillar of democratic societies in the main international human rights instruments. The Human Rights Council and General Assembly had repeatedly underscored the need for an independent and impartial judicial system that could uphold the rule of law, democracy and respect for human rights. Their independence should, however, be a concern both for practitioners of those professions and for society, which benefitted from judicial decisions that were law-based, impartial and free from out-of-court interference. Their independence also laid solid foundations for safeguarding certain human rights, such as the protection of journalists, environmental campaigners or activists of the lesbian, gay, bisexual, transgender and queer community, whose lives could depend on the activity of an impartial and independent judiciary.

24. Current global threats to judicial independence and integrity stemmed not only from the temptation to exert political power and deprive societies of effective checks and balance, but also from corruption and organized criminal networks. In his report to the General Assembly at its seventy-second session (A/72/140), the Special Rapporteur had stressed the urgency of strengthening prevention of and global responses to corruption. International law, in particular, the United Nations Convention against Corruption, emphasized the importance of international cooperation in that regard, especially among judges and prosecutors. While national institutional capacities operating in isolation should not be neglected, it was more efficient to coordinate policies and strategies in the international community.

25. Introducing his report (A/73/365), which focused on the role of bar associations in safeguarding the independence and integrity of the legal profession, he said that professional associations of lawyers should play a decisive role in society. Under the right conditions, they could ensure the free and independent exercise of the legal profession, guaranteed access to justice and the protection of human rights. Relevant international standards, particularly the Basic Principles on the Role of Lawyers, established the freedom of associations of lawyers and independence of bar associations.

26. The report highlighted various problems related to interference in the independence of professional legal associations, from rules preventing their existence or restricting their membership to the imprisonment of members. Particular attention was paid to the criteria governing the establishment, composition and functions of bar associations. He called on Member States to ensure that such institutions were legally protected and to prevent outside influences from undermining their independence and integrity. Irrespective of national particularities, they could help State institutions to organize and provide legal aid services to the poor and vulnerable; provide legal education and training to lawyers; and contribute to public debate on legal reforms and the rule of law. The report also offered a list of good practices and recommendations aimed at ensuring the independence and effectiveness of bar associations.

27. The report also underlined the need for State authorities to protect members of bar associations and allow them to operate without intimidation, hindrance, harassment or undue interference. State repression of lawyers and their organizations represented an egregious violation of human rights, while the closure of professional associations of lawyers by the authorities was a matter of concern. Since the declaration of a state of emergency in Turkey in June 2016, the Turkish Government had decreed the closure of 34 bar associations, whose property had been confiscated without compensation. Members of those associations had been charged, indicted and sentenced to long prison terms. He publicly encouraged the Turkish Government to accept his proposal to visit the country in order to discuss topics such as the judicial stability of lawyers' organizations.

28. The temptation of exerting power without facing accountability for actions was a recurring feature, irrespective of political tendencies or social and cultural contexts. Judges and prosecutors were sometimes dismissed from their jobs or imprisoned as a way of influencing their decision-making. Checks and balance, such as the existence of independent organizations of lawyers, were awkward obstacles to such actions. Many countries, however, were endangering the balance and separation of powers by concentrating power in the executive or legislative branches. Such actions not only undermined democratic principles and the rule of law, but also sent the wrong message to citizens, who saw the highest judicial authorities being reappointed on the basis of political interests and pressures rather than character, capacity, competence and fitness. All of the

daily communications to his office concerning attacks against members of the judiciary and lawyers must be considered, as they represented a global threat affecting all societies.

29. In that context, the Basic Principles on the Independence of the Judiciary, adopted in 1985, the Basic Principles on the Role of Lawyers, adopted in 1990, and the Bangalore Principles of Judicial Conduct, adopted in 2002, had permanent relevance as conceptual guidelines for defining strategies and bringing about positive change. They were not well aligned with each other, however. The international community should update the Basic Principles on the Independence of the Judiciary, in particular, as it lacked information on crucial aspects of the reality of judicial systems, such as judicial councils and the threat to judicial independence posed by corruption and organized crime. The content of all three Principles should be adapted to reflect important contemporary issues, such as corruption, large-scale crime and protection of information and privacy.

30. He invited Member States to take the initiative to hold discussions, put forward proposals and create momentum within the Organization. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime could be key driving forces for creative dialogue. He considered such developments as a priority of his mandate.

31. **Mr. Forax** (Observer for the European Union), recalling that the high-level political forum on sustainable development would examine Sustainable Development Goal 16 on the provision of access to justice for all, said that he wished to know what role bar associations could play in the implementation of the 2030 Agenda for Sustainable Development. He would also welcome information on best practices of Member States that had provided legal aid services to poor and disadvantaged persons. Lastly, he asked what the most effective safeguards were against arbitrary interference in the independence of bar associations.

32. **Ms. Shaheen** (United Arab Emirates) said that the importance of independent and impartial judges and lawyers was recognized in various legislative instruments of the United Arab Emirates, including the Constitution, which included provisions on the independence of judges. Her delegation agreed with the statement in the report that professional associations of lawyers played a key role in maintaining the integrity of the legal profession. In her country, training institutes and professional associations of lawyers and legal advisors performed that task by carrying out programmes, workshops and regular training courses for judges and lawyers.

33. It was regrettable that the report included a reference to the previous Special Rapporteur's report on her country (A/HRC/29/26/Add.2). That report did not include a number of legal and policy reforms which had been implemented or were under consideration in the United Arab Emirates.

34. She asked what types of training could be provided to judges and lawyers to strengthen the integrity and independence of the judiciary and the legal profession.

35. **Mr. El Mkhantar** (Morocco) said that his country attached great importance to the independence of judges and lawyers, which was inextricably linked to maintenance of the rule of law. In October 2018, Morocco was hosting the sixty-first Congress of the International Association of Judges, due to be attended by high-ranking magistrates from some 87 countries. It would also host an international conference on the independence of the judiciary that would focus on the right to due process. Morocco had recently made a major constitutional amendment to an article on the separation of powers, thereby establishing its judiciary as an independent power.

36. He requested more details on positive developments with regard to the independence of judges and lawyers, especially based on observations made during visits and interactions with relevant stakeholders. What further measures did he recommend that Governments should take?

37. **Ms. Chekrizova** (Russian Federation) said that the actions of judges and lawyers were instrumental to the promotion of human rights and the improvement of access to justice. The professionalism and impartiality of the legal profession were vital to the resolution of important legal questions and to the fate of individual citizens.

38. There were currently a number of alarming trends that jeopardized the independence of judges and lawyers. In Ukraine, international observers had reported an increase in the pressure exerted on lawyers for political motives. Media reports indicated, for example, that criminal procedures had been initiated against law firms defending former President Victor Yanukovych. Human rights advocates testified that lawyers were subjected to widespread violations of their rights, including criminal prosecution, physical violence, the destruction of their personal property and illegal searches of their workplace or home. Irina Nozdrovska, Yury Grabovsky and Oksana Sokolvska

were notable examples of lawyers who had suffered such violations.

39. Courts in the United States and the United Kingdom were creating a very dangerous precedent of handing down unjustified and biased verdicts in order to illegally detain dozens of Russian citizens and charge them on unsubstantiated grounds. Her delegation was also perplexed by the fact that Western partners regularly appealed to other States' leaders to influence the decisions of their independent legal bodies on major issues, sometimes before court proceedings had even concluded.

40. **Ms. Inanc-Ornekol** (Turkey) said that the independence of judges was recognized in her country's Constitution and relevant regulations. Following the incidents referred to by the Special Rapporteur in his presentation and report (A/73/365), the Government had taken swift and effective measures against various terrorist organizations. Her delegation categorically rejected the Special Rapporteur's assessment of the situation in Turkey: the measures taken by her Government were consistent with the rule of law and with Turkey's human rights obligations. The Government had lifted the state of emergency on 19 July 2018, providing the country with an excellent opportunity to promote its citizens' rights and freedoms.

41. **Mr. García-Sayán** (Special Rapporteur on the independence of judges and lawyers) said that the guarantee of an independent judiciary contributed considerably to the achievement of the 2030 Agenda by ensuring that legal disputes could be solved impartially and objectively through clear and predictable rules. With regard to best practices, he encouraged Member States to increase access to legal aid services and strengthen legal training and education on values related to the rule of law. Bar associations, for their part, should promote public debate on the development of public democratic institutions, the administration of justice and the protection of human rights. Society suffered whenever the independence and integrity of legal institutions was compromised. He appreciated the European Union's efforts to include the independence of judges and lawyers in the 2030 Agenda.

42. In response to the representative of the United Arab Emirates, he said that his report and statement had touched on certain critical elements but that he had not had the time to mention all positive developments.

43. He was encouraged by the growing awareness of the importance of independent bar associations and the nuances of the threats they faced. New threats had emerged since the establishment of his mandate decades earlier, especially regarding the use of organized crime and corruption to obtain immunity. Whereas previous Special Rapporteurs had assessed situations in which lawyers and judges had been threatened by direct and brutal repression, assassination and enforced disappearance, efforts to gain control over the judiciary and avoid checks and balances had become subtler. The international community needed to coordinate efforts against corruption in accordance with treaties such as the United Nations Convention against Corruption.

44. He was unable to respond to the comments by the Russian representative since he did not have relevant information before him regarding the situation in Ukraine.

45. He repeated his request to visit Turkey in order to speak with authorities on the ground and further develop dialogue with the Turkish Government. If Turkey had made progress towards restoring the institutional capacity of its lawyers' associations and reinstating judges who had been detained or removed from their functions, he would be glad to be in a position to report on those achievements.

46. **Mr. Jazairy** (Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights), introducing his report (A/73/175), in which he had considered recent developments concerning unilateral sanctions regimes, said that in April 2018 he had issued a joint statement with several special rapporteurs, in which they had echoed the grave concern expressed by the United Nations and the International Criminal Court about the use of force by Israel against protesters in the Gaza Strip and called for an immediate end to the blockade of Gaza. He deplored the tightening of sanctions by the United States of America against Cuba, which was all the more disappointing given the acknowledgement by the previous United States administration of the failure of sanctions. He noted with concern the impact of the sanctions against the Democratic People's Republic of Korea on access to critical medicine and health care for thousands of patients. The Global Fund to Fight AIDS, Tuberculosis and Malaria, which had supported the treatment of about 190,000 citizens of the Democratic People's Republic of Korea with tuberculosis, had announced its withdrawal from the country, on grounds believed to relate to concerns of inadvertent sanctions violations. With regard to the extraterritorial sanctions against the Russian Federation, the United States had recently added Rusal, a large Russian aluminium producer, to its sanctions list. The sanctions were likely to affect nearly 100,000 innocent people employed by Rusal across its international operations. While he welcomed the decision of the current United States administration to uphold the lifting of the sanctions

against the Sudan, which had been formally revoked in October 2017, it had been reported that the sanctions had yet to be fully lifted, as the Sudan remained on the list of State sponsors of terrorism. Although the unilateral coercive measures against Qatar were overly broad in scope and implementation, they could not be referred to as a blockade, as they did not prevent trading partners from doing business directly with the targeted county. He regretted that his efforts to favour a positive evolution of the issue between the source and target countries of the sanctions had not achieved any progress. With regard to the reimposition of sanctions by the United States against Iran, he reiterated his readiness to promote dialogue between the countries to put in place a mechanism for humanitarian exemptions, which would meet the requirements of the order of the International Court of Justice of 3 October 2018. In Venezuela, the Government claimed that the coercive measures imposed by various countries and a regional organization amounted to an economic blockade, but the Office of the United Nations High Commissioner for Human Rights had disputed the role of the sanctions in the unfolding economic and social crisis.

47. He had proposed that an advisory opinion on the legality of unilateral coercive measures be submitted to the International Court of Justice and that a United Nations central register of unilateral coercive measures be established. Member States should begin consultations on a draft declaration on unilateral coercive measures and the rule of law, covering basic principles regarding unilateral sanctions and universally or generally accepted rules of behaviour to be applied by States during the transitional period preceding the elimination of unilateral sanctions, with a view to mitigating their adverse human rights consequences. He had proposed that procurement offices be established in targeted countries under the auspices of the United Nations to enable those countries to import basic life-saving equipment and medication. In view of the gravity of the situation concerning the increase in the number of blockades, he had recommended that the Secretary-General consider appointing a special representative to defuse the tension between source and targeted countries or groups of countries and find a peaceful solution to those situations.

48. *Ms. Shikongo (Namibia), Vice-Chair, took the Chair.*

49. **Ms. Matar** (Bahrain), speaking also on behalf of Egypt, Saudi Arabia and the United Arab Emirates, said that those countries regretted that the Special Rapporteur, when referring to the measures taken against Qatar, had not distinguished between lawful and unlawful measures adopted by States. in his previous report (A/72/370), the Special Rapporteur had recognized that the measures enforced against Qatar did not constitute a blockade but rather an embargo, as they did not affect exchanges of third parties with Qatar. The Special Rapporteur should be consistent and precise in his future reporting to the Committee. It was imperative to distinguish between unilateral coercive measures that were not in accordance with international law and lawful measures that were taken for national security or counter-terrorism purposes in response to wrongful acts by States. The measures against Qatar had been taken with respect for human rights and did not affect third parties. The delegations of Bahrain, Egypt, Saudi Arabia and the United Arab Emirates welcomed the Special Rapporteur's call for Qatar to avoid undue declarations to the press and hoped that Qatar would focus on resolving the dispute.

50. **Mr. Mohamed** (Sudan) said that the Sudan had left no stone unturned in consolidating cooperation with the United Nations, the international community and relevant States and groups to lift the unilateral sanctions imposed on the country since the early 1990s. It had maintained contact at all levels with consecutive United States administrations and welcomed the clear commitment to dialogue shown by the United States. As the sanctions regime had yet to be fully lifted, the Sudan was maintaining the same level of engagement and dialogue and welcomed the efforts of the Special Rapporteur in that regard.

51. **Ms. Al-Mawlawi** (Qatar) said that the illegal unilateral coercive measures imposed on her country violated the human rights of thousands of Qatari citizens and residents, including nationals of the countries that had imposed those measures. The unjust blockade had broken up families and impeded the enjoyment of the rights to education, employment, health, property, freedom of movement, residency, litigation, religious worship and freedom of opinion and expression. The measures also constituted an incitement to racial hatred and violence. She recalled that, in July 2018, the International Court of Justice had called on the United Arab Emirates to ensure that families that included a Qatari separated by the discriminatory measures were reunited, that Qatari students affected by the measures could complete their education in the United Arab Emirates or obtain their educational records if they wished to continue their studies elsewhere, and that Qataris affected by the measures were allowed access to tribunals and other judicial organs of the United Arab Emirates. The measures and blockade imposed on Qatar violated the Charter of the United Nations, international and bilateral agreements and the norms and principles governing peaceful relations among States. They also

undermined stability and security throughout the region and beyond.

52. She reiterated her country's invitation to the Special Rapporteur to visit Qatar and asked him to provide further details of the efforts he was exerting through quiet diplomacy to facilitate the lifting of the illegal and unjustified measures.

53. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that his country had opted to have recourse to the International Court of Justice to safeguard the human rights of its citizens that had been infringed as a result of the imposition by the Government of the United States of unilateral sanctions following its untenable withdrawal from the Joint Comprehensive Plan of Action, which was integral to Security Council resolution 2231 (2015). The order issued by the Court on 3 October 2018 was a clear testament to the illegality of the sanctions imposed by the United States. The Islamic Republic of Iran reiterated its open invitation to the Special Rapporteur to visit the country. He asked whether coordinated action could be undertaken by all relevant human rights mandate holders given the interconnectedness of all human rights and the severe impact of unilateral coercive measures and sanctions on several basic human rights.

54. **Mr. Moncada** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that his delegation wished to reaffirm the position agreed upon at the Ministerial Conference of the Movement held in Azerbaijan. The Movement was opposed to the use of all unilateral coercive measures, including those used as tools for political, economic or financial pressure against any country, in particular developing countries, which were not in accordance with the Charter of the United Nations and international law. The Movement was concerned by the continued imposition of measures that hindered the well-being of civilians and the full realization of human rights.

55. In its national capacity, Venezuela would encourage the drafting of a General Assembly declaration on unilateral coercive measures and the rule of law and the establishment of a United Nations register of existing unilateral coercive measures at the panel discussion on unilateral coercive measures and human rights to be held in Geneva in 2019. He asked what specific measures could be taken by the United Nations to reduce the impact of illegal coercive measures on targeted countries and to help such countries to improve their financial and business transactions and purchase food and medicine.

56. **Ms. Chekrizova** (Russian Federation) said that sanctions were a last resort to be taken solely with the approval of the Security Council to eliminate a real threat to international peace and security. Unilateral coercive measures should not be permitted as a mechanism of collective punishment or as an underhanded attempt to remove reputable companies from the market. A perfect example of such dirty games were the sanctions against the Russian company Rusal, which could prevent thousands of people, not only in the Russian Federation but also in other countries, from working. The use of unilateral sanctions to achieve short-term political goals was ineffective. It was far more effective to address problems through political and diplomatic efforts as part of a depoliticized and mutually respectful dialogue with strict adherence to international law.

57. The Special Rapporteur should carry out his future work independently, notwithstanding any pressure from individual States. The United Nations High Commissioner for Human Rights should demonstrate impartiality and provide extensive support to the Special Rapporteur, as well as other special procedures of the Human Rights Council. The Secretariat should pay the utmost attention to that issue.

58. **Ms. Rasheed** (Observer for the State of Palestine) said that her delegation welcomed the special attention paid by the Special Rapporteur to the misery and suffering inflicted on Palestinians by the Israeli occupation and his position on the discriminatory and illegal blockade of Israel on the Palestinian people in Gaza. She asked what specific measures could be taken by the international community to hold Israel accountable and compel it to respect and comply with its obligations under international law, first and foremost by ending its more than 50-year military occupation and all its crimes, many of which amounted to war crimes, against the Palestinian people and their land and by ending its illegal decade-long blockade of Gaza.

59. **Mr. Aldahhak** (Syrian Arab Republic) said that the illegal unilateral coercive measures imposed on his country had had a disastrous impact on Syrian civilians. Unilateral coercive measures contravened international law, human rights instruments and the Charter of the United Nations. Such measures also constituted a form of collective punishment on civilian populations, including, in particular, the most vulnerable groups within society, such as women and children, the sick, elderly persons and persons with disabilities, and prevented them from obtaining essential medicines, food and other basic necessities. It was ironic that the States imposing those measures on Syria continued to

claim that they were deeply concerned about the well-being of the Syrian people. Syria demanded that those States respect their obligations under international law, uphold the Charter of the United Nations and comply with the international human rights instruments to which they had acceded by immediately lifting the illegal unilateral coercive measures that they had imposed on the Syrian people.

60. **Mr. So** Ju Hyok (Democratic People's Republic of Korea) said that the unilateral coercive sanctions that had been imposed by hostile forces against his country for 70 years were the most vicious crimes against humanity and a flagrant violation of the Charter of the United Nations and international human rights conventions. They blocked the import of medicine and medical equipment for women and children and basic life-saving goods. Unilateral coercive sanctions against the Democratic People's Republic of Korea and other developing countries could not be justified by any means and must be lifted swiftly and unconditionally.

61. **Ms. Shaheen** (United Arab Emirates) said that her delegation strongly condemned unilateral coercive measures not in accordance with international law, the Charter of the United Nations and the norms and principles governing peaceful relations among States. It regretted that the Special Rapporteur had failed to make the important distinction between unlawful unilateral coercive measures and the range of lawful measures that States could take, such as countermeasures. The concerns of the Special Rapporteur with regard to the impact of the measures against Qatar were purely speculative and failed to account for the broad range of humanitarian measures implemented to minimize the disruption to the lives of Qatari citizens. The United Arab Emirates adhered to its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, and its measures were in compliance with the provisional measures order of the International Court of Justice. Qatar should recall that the Court had asked both parties to refrain from any action that might aggravate or extend the dispute or make it more difficult to resolve. She asked whether the Special Rapporteur had used the terms "sanctions" and "coercive measures" interchangeably in his report or whether the choice of term had a legal implication.

62. **Mr. Cepero Aguilar** (Cuba) said that his delegation did not agree that unilateral coercive measures, in particular economic sanctions, had the potential to harm human rights; rather, they directly violated human rights. Unilateral coercive measures were in violation of international law, the Charter of the United Nations and the norms and principles governing peaceful relations among States. Under the Charter, only the Security Council had the prerogative to impose sanctions, including the use of force. The current United States administration bore the primary responsibility for the escalation in the use of unilateral coercive measures. The economic, commercial and financial blockade imposed by the United States against Cuba for more than 56 years constituted a flagrant, severe and systematic violation of the human rights of Cubans and an act of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.

63. **Ms. Shlain** (Israel) said that the measures implemented by Israel in the Gaza Strip were not without context. Terror attacks continued to be launched from Gaza on Israeli towns and villages. The fact that the Palestinian Authority had avoided transferring payments for infrastructure in Gaza and had resisted the recent transfer of extra assistance provided by Qatar for fuel for Gaza, which in the end had been facilitated with the consent of Israel, should be taken into consideration when blaming Israel for all the economic hardships in Gaza. Her delegation would be interested to know how to promote dialogue when dealing with a terror organization.

64. **Mr. Khashaan** (Saudi Arabia) said that the biased and prejudiced report of the Special Rapporteur made several baseless allegations against the coalition to restore legitimacy in Yemen. Rather than impeding humanitarian operations, the coalition was playing a leading role in the provision of emergency support and humanitarian assistance to the Yemeni people. Rather than imposing a blockade on Hudaydah port, the coalition had, in fact, issued more than 25,000 permits for the delivery of humanitarian assistance by land, sea and air to the people of Yemen, including through that port. Furthermore, it was the terrorist Houthi movement militias operating in Yemen, and not the members of the coalition, that were preventing humanitarian assistance from reaching Yemeni civilians. It was therefore shocking that the report made no mention of the restrictions placed on the Yemeni people by those militias and the blockades that they had imposed on certain regions and cities, including their devastating three-year blockade of Ta'izz which had caused untold suffering among that city's civilian population.

65. The report also failed to mention the fact that the Houthi movement militias had looted much of the humanitarian assistance arriving in Yemen, seized control of numerous ships delivering assistance and mined Yemeni maritime waters, thereby making it extremely difficult and costly to deliver aid to the country by sea. Saudi Arabia also rejected the allegation that the food and security crisis had resulted, inter alia, from economic strangulation. That was utterly at odds

with the truth. Indeed, Saudi Arabia had launched numerous initiatives to address the humanitarian situation and strengthen the economy of Yemen and had provided more than $2 billion to the Central Bank of Yemen. Furthermore, Saudi Arabia, together with the United Arab Emirates and Kuwait, had provided more than $1 billion in support of the United Nations Humanitarian Response Plan for Yemen. The coalition would continue to exert every effort to protect the Yemeni people from the criminal actions of the illegal Houthi movement militias.

66. **Mr. Jazairy** (Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights) said that the measures that had been taken by a group of countries against Qatar were not a blockade, but unilateral coercive measures. A blockade could be imposed in many ways, including through domestic sanctions policies on third countries to prevent them from trading. As Qatar continued to trade with outside States but could not trade directly with those particular countries, the measures constituted an embargo and not a blockade.

67. He had tried to ascertain the past practice in terms of the recognition of the legality or illegality of sanctions. A study had been conducted by the International Law Commission to define which sanctions were legal, but the draft conclusions had never been adopted. With regard to the use of the terms "sanctions" and "unilateral coercive measures" in his report, he had indicated that, although the proper term would be "unilateral coercive measures", he had used the generally utilized expressions with the understanding that he was referring only to unilateral coercive measures. No one disputed that the sanctions or measures adopted by the Security Council were legal from the point of view of international law, and his mandate did not cover such measures. However, it was unclear what was meant by "measures not in accordance with international law". The initiators of his mandate had said that sanctions by their very nature were not in accordance with international law, whereas States that applied sanctions were of the view that only those sanctions that were not in accordance with international law should be discontinued, whereas some sanctions were in accordance with international law and could be maintained. Given the controversial and political nature of the subject, the compromise for the 2030 Agenda for Sustainable Development had been to have ambiguous language in that regard. He had recommended that a request for an advisory opinion be submitted to the International Court of Justice to decide whether all unilateral coercive measures were illegal.

68. While it was good to criticize sanctions, it was better to determine the reason for the sanctions and defuse the disagreements. When sanctions moved towards blockades, that led to a dangerous situation verging on war . He had therefore suggested that the Secretary-General consider appointing a special representative, at least to deal with the most acute forms of blockades.

69. He had not yet visited Qatar, as he had received a response to his request to visit only in April 2018. He would be willing to visit, but he had informed the authorities that he did not wish to engage in "naming and shaming", as that would not yield results. In the case of the Sudan and the United States, he had helped to address the disagreements between them, so as to create conditions conducive to the lifting of sanctions, and he would like to do the same for Qatar and the group of countries imposing the sanctions. He wished to assure those countries that he did not intend to take a position on the legality or otherwise of the sanctions. He would welcome invitations to visit the other countries and would be delighted to help to begin a dialogue.

70. With regard to the question posed by the representative of the Islamic Republic of Iran, the Human Rights Council, in its resolution 37/21, had urged all special rapporteurs and existing thematic mechanisms of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures and to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in fulfilling his mandate.

71. With respect to the comments of the representative of Venezuela, it was high time for the Human Rights Council to devote its panel meeting to the declaration on unilateral coercive measures and the rule of law and the establishment of a register of existing unilateral coercive measures.

72. Concerning the Democratic People's Republic of Korea, there were two categories of sanctions: sanctions imposed by the Security Council, which were not within his mandate, and other unilateral sanctions. The option of operationalizing a window for humanitarian assistance, such as the one concerning the treatment of tuberculosis patients, should be considered.

73. He hoped that he would be able to convince the representative of Saudi Arabia that his work was professional and independent. Qatar too had accused him of bias and had made an official complaint against him to the President of the Human Rights Council.

74. **Ms. Al-Mawlawi** (Qatar) said that her country was complying fully with the July 2018 ruling of the International Court of Justice. Qatar would refrain from taking any steps that could exacerbate its dispute with the countries imposing the blockade and would continue its efforts to resolve the crisis through peaceful dialogue and mediation on the basis of international law and the principle of friendly relations among States.

75. Her Government looked forward to welcoming the Special Rapporteur to Qatar, where he would receive all the assistance he required to fulfil his mandate in an objective manner. Qatar also looked forward to hearing further details of his efforts to resolve the crisis. Her Government had adopted an open-door policy towards visits by United Nations special rapporteurs and would warmly welcome all special rapporteur missions to the country.

76. **Mr. Jazairy** (Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights) said that, although it was not always pleasant for States to hear, the job of special rapporteurs was to tell the truth. States must have some degree of accountability when they took measures that had an adverse impact on the living conditions of ordinary people in other countries and when their activities created de facto jurisdiction. For example, in some cases it had not been possible to treat cancer, because the necessary radiation material could not be obtained. In such cases, the State that had prohibited the export of radiation material was accountable. The question of accountability for de facto jurisdiction by source States on targeted States deserved more attention in order that concrete expression could be given to the objective of ensuring the right of each individual to legal treatment in equity and equality with others. In that regard, the International Convention on the Elimination of All Forms of Racial Discrimination could be an instrument for those States that had accepted the jurisdiction of the Committee on the Elimination of Racial Discrimination, while the International Criminal Court was another option. The European Union had in place a multilateral system whereby an aggrieved group or person could appeal to the judicial mechanisms of the European Union. The measures taken by the Council of Ministers of the European Union had sometimes been discontinued as a result of such appeals. He recommended that the experience of the European Union be examined and potentially expanded to other countries that were resorting to unilateral coercive measures on a broad basis.

77. **Mr. Kafle** (Nepal) said that his country had adopted various legislative, institutional, policy and administrative measures to fulfil its national and international human rights obligations, including a new Constitution which had come into force in 2015. The Constitution, which embraced the country's multi-ethnic, multilingual, multicultural and diverse geographical specificities, was designed to safeguard the rights of every person, group and community. It provided for the creation of the National Human Rights Commission, an independent and autonomous body responsible for promoting and upholding human rights, and established or strengthened independent constitutional commissions responsible for promoting and protecting rights. The judiciary was the guardian of the Constitution and custodian of the human rights and freedom enshrined therein. The judiciary remained independent and impartial under all circumstances and had handed down numerous landmark verdicts on the protection of fundamental human rights.

78. Nepal was a party to 24 international human rights agreements, including seven of the nine core international human rights instruments. It had established two separate transitional justice mechanisms, one on truth and reconciliation and the other on investigations into cases of enforced disappearances. The ongoing transitional justice process in Nepal was in line with the Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist).

79. Nepal fought impunity in cases of serious violations of human rights and humanitarian law. As a member of the Human Rights Council for the period 2018–2020, it would continue to promote and protect human rights and fundamental freedoms in a fair and equitable manner. In 2004, it had become one of the first countries to draft and implement a comprehensive national human rights action plan, which had mainstreamed human rights issues into its national development policies. Nepal was currently incorporating the Sustainable Development Goals into development plans, including those related to the promotion and protection of human rights.

80. **Mr. Gonzalez** (Colombia) said that the promotion and protection of human rights was connected to the building of peace, the strengthening of democratic institutions and the rule of law, the creation of opportunities for economic development and advances in social progress. It was crucial to strengthen guarantees for the protection of human rights and promote conditions conducive to resolving conflicts and preventing their recurrence.

81. Colombia had ratified most of the major international human rights treaties and was committed to complying with its obligations thereunder. It was diligent and transparent in its submission of periodic

reports. The universal periodic review had special significance to Colombia as all countries were allowed to report their achievements and challenges in the area of human rights under the same conditions. His country would continue to work on improving its implementation of the recommendations under the universal periodic review.

82. His Government's commitment to guaranteeing human rights, especially of human rights advocates, was reflected in the Pact for the Life and for the Protection of Social Leaders and Human Rights Defenders, adopted in August 2018. In compliance with the Pact, Colombia was currently developing a comprehensive public policy comprising early warning systems, rapid protection mechanisms, models for preventing high-risk situations and instruments for imposing penalties on perpetrators of crimes against people who contributed significantly to their community.

83. **Mr. Bokwala** (Democratic Republic of the Congo) said that the protection and promotion of human rights and the implementation of human rights instruments should be considered a cornerstone of each legal system. The Democratic Republic of the Congo was a signatory to various international legal instruments and had recently taken steps to improve its human rights legal framework and institutions. While it was trying to restore peace throughout the country, it was committed to a far-reaching campaign to fight impunity by reforming the justice system.

84. In April 2013, it had adopted a law empowering courts of appeal to recognize and prosecute perpetrators of genocide, war crimes and crimes against humanity. In accordance with the Paris Principles, it had established national mechanisms on the protection of human rights, including a body to protect human rights advocates. In 2002, it had ratified the Rome Statute of the International Criminal Court and became the first country to cooperate with the Court to a significant degree. Following the country's outstanding efforts, the United Nations had removed various parties of the Democratic Republic of the Congo from those listed as not having put in place measures to improve the protection of children of countries recruiting and using child soldiers (A/72/361–S/2017/821, annex I).

85. The Democratic Republic of the Congo was committed to continuing collaboration with the United Nations on all human rights issues, on condition that its national sovereignty was respected. It encouraged all States Members of the United Nations to incorporate international human rights instruments into their domestic legislation.

The meeting rose at 12.55 p.m.

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Held at Headquarters, New York, on Wednesday, 17 October 2018, at 3 p.m.

Chair: Mr. Saikal ..... (Afghanistan)

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The meeting was called to order at 3.05 p.m.

Agenda item 74: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/73/309, A/73/281, A/73/282, A/73/207, A/73/48, A/73/40, A/73/44, A/73/264, A/73/140, A/73/55 and A/73/56)

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(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/73/308, A/73/299 and A/73/330)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/73/36)

1. **Mr. Akram** (Chair-Rapporteur of the Working Group on the Right to Development), introducing the report of the Working Group on its nineteenth session (A/HRC/39/56), said that the Working Group had held its first interactive dialogue with the Special Rapporteur on the right to development and another with experts on the implementation and realization of that right in the context of the 2030 Agenda for Sustainable Development. The issues addressed included financial flows; developments in jurisprudence before the African Court on Human and Peoples' Rights; challenges to implementation of the right to development and the Sustainable Development Goals; the right to development and inequalities; international investment agreements and industrialization; concrete proposals for a local rural support network and rights-based climate finance. Also on the agenda were the draft criteria and corresponding operational sub-criteria for the right to development.

2. The Working Group recommended that the High Commissioner for Human Rights take measures to ensure a balanced and visible allocation of resources and to identify and undertake tangible projects for implementing the right to development and asked her to present in her next annual report an analysis of the implementation of that right.

3. The Human Rights Council, in its resolution 39/9, endorsed those recommendations and decided that the Working Group should commence discussions to elaborate a draft legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument.

4. Thus, the Working Group was effectively moving into a new phase. Negotiating a legally binding instrument on the right to development was a formidable task and he would do his utmost to contribute to that endeavour. The consensus represented by the Sustainable Development Goals should help resolve the differing views around the right to development.

5. **Mr. Suárez Moreno** (Bolivarian Republic of Venezuela), speaking on behalf of the Non-Aligned Movement, said that the set of standards presented by the Chair-Rapporteur would be a very useful basis for future deliberations on the implementation and realization of the right to development. As the central subject of the development process, human beings should be the main beneficiary of that human right. However, far-reaching changes in the international economic structure would be necessary in order to guarantee its full realization and enjoyment, including the creation of economic and social conditions favourable to the developing countries.

6. At the Mid-Term Ministerial Meeting of the Non-Aligned Movement, held in April 2018, the Ministers reiterated their commitment to the promotion and protection of human rights, in particular the right to development, and stressed the universal, inalienable and indivisible character of all human rights and fundamental freedoms. They reaffirmed their objective of turning the right to development into reality for all, as established in the United Nations Millennium Declaration, the Declaration on the Right to Development and the 2030 Agenda for Sustainable Development. At the same time, due account must be taken of the negative repercussions that unilateral coercive economic and financial measures were having on the realization of that right.

7. Efforts to place the right to development at the centre of the implementation of the 2030 Agenda must be pursued and the United Nations funds, programmes and specialized agencies and above all the international human rights mechanisms and financial and commercial institutions must incorporate the right to development in their policies and seek to improve its acceptance and realization nationally and internationally.

8. The member States of the Movement also wished to reiterate their proposal for the organization of a high-

level international conference under the auspices of the United Nations on the right to development and to renew their call for the elaboration of a convention on the right to development.

9. **Ms. Chekrizova** (Russian Federation) said that development was the driver of the concept of human rights and the basis for addressing poverty, stimulating economic growth, bolstering social stability and security and thus developing society. It was intrinsically linked to the protection of the rights of the most vulnerable groups, such as children, women, persons with disabilities, indigenous peoples and national, ethnic, religious and linguistic minorities. The State had the primary responsibility to ensure the conditions for the effective enjoyment of the right to development.

10. Her delegation welcomed the efforts of the Chair-Rapporteur to seek out mutually acceptable solutions for all parties. However, it seemed premature to be discussing standards, as the existing standards and relative indicators were sufficient at the current stage. She doubted that their legally binding nature would facilitate a broader and more effective implementation under real-time conditions. Developing general approaches for the international community in implementing that category of rights seemed to be more important.

11. **Ms. Fernández** (Cuba) said that her Government opposed any attempt to reinterpret the right to development or to arbitrarily limit responsibility of States for its implementation to the national level. That right must be enforced by incorporating it into the policies and activities of international organizations and institutions. At their fourteenth Summit, held in Havana in September 2006, the Heads of State and Government of the Non-Aligned Movement had urged the United Nations human rights machinery to ensure the operationalization of the right to development as a priority, including through the elaboration of a convention on the right to development. The international community must not allow more time to pass without fulfilling that mandate. It should consider ways of moving forward without prejudice to the provisions of the Declaration on the Right to Development. Her delegation was concerned lest the content of the right to development might be weakened in the effort to reach a consensus.

12. **Ms. Ershadi** (Islamic Republic of Iran) said that a clear nexus existed between the realization of the right to development and the implementation of the 2030 Agenda for Sustainable Development. Achievement of the Sustainable Development Goals would facilitate the realization of the right to development, as contained in the 1986 Declaration. The proposed set of standards was a positive step in that direction. The holding of a high-level conference on the right to development would be an opportunity to draft a convention on that right.

13. As a country targeted by illegal unilateral sanctions for far too many years, Iran remained deeply concerned about the negative impact of unilateral coercive measures on a whole range of human rights for civilians, in particular the right to development. More vulnerable segments of the society in particular the poor, persons with disabilities, children and older persons were bearing the brunt of those inhumane measures. The collective and indiscriminate punishment of civilians inherent in the imposition of unilateral sanctions was a crime against humanity. Depriving a whole population of its basic human rights, in particular the right to development, was reprehensible and should be condemned regardless of the pretext.

14. **Mr. Lu** Yuhui (China) said that his country supported the elaboration by the Working Group of an international legal instrument on the right to development. For developing countries, survival and development were the primary human rights. China supported global efforts to eradicate poverty, achieve common development and realize the right to development.

15. His delegation urged Member States to abide by the purposes and principles of the Charter of the United Nations and to respect the social systems and development paths chosen independently by countries with a view to ensuring peaceful and steady development. They should seek to establish a more equitable and reasonable international political and economic order that would guarantee the equal participation of all countries and the fair sharing of development outcomes. The North-South imbalance in development should be addressed; developed countries, in honouring their commitments to assist developing countries, should give priority to eradicating hunger and poverty. The United Nations human rights agencies should continue to prioritize the realization of the right to development.

16. China was committed to the principle of the inviolability of human development. It had been working to achieve its peoples' well-being and to ensure their ownership of the country. China had also been assisting developing countries in reducing poverty, improving livelihoods and safeguarding the right to life. It stood ready to create conditions and opportunities for all countries, especially developing countries, and to advance the cause of human rights.

17. **Mr. Ali** (Pakistan) said that the right to development was not about charity but rather about enablement and empowerment. The task at hand was to establish the parameters and practical components of that right so that it could be effectively pursued within the context of the 2030 Agenda for Sustainable Development. The work of the Chair-Rapporteur was extremely important and should receive the support and understanding of all Member States. South-South cooperation was a vital element of the international cooperation architecture for sustainable development and for the realization of the right to development.

18. Those objectives could not be achieved without fully understanding and alleviating the negative impact of armed conflict, foreign occupation and unilateral economic and financial coercive measures. He asked whether the Chair-Rapporteur had examined that issue, especially in terms of possible interlinkages with the work he had undertaken.

19. **Ms. Moutchou** (Morocco) said that her delegation considered that steady progress towards the realization of the right to development required effective development policies at the national level as well as a favourable economic environment and strong partnerships at the international level.

20. She asked for an explanation of the political impasse existing within the Working Group and what steps could be taken to overcome it, in particular how Member States could be encouraged to engage effectively and efficiently in its deliberations in order to fulfil the tasks entrusted to it by the Human Rights Council.

21. **Mr. Akram** (Chair-Rapporteur of the Working Group on the Right to Development) said that the impasse in the Working Group stemmed from the fact that Member States lacked the necessary political will to overcome their differences. In his view, the simplest approach would be to focus on those human rights instruments that had already been adopted by consensus, which ranged from the Charter of the United Nations to the 2030 Agenda for Sustainable Development. The objectives of those instruments already showed a considerable degree of overlap and consistency in terms of specific areas relating to the right to development.

22. The basic standards that he had put forward could be pursued to set the groundwork for a much broader consensus in the future. He urged Member States to show the necessary political will and to act in a spirit of compromise. As the Chair-Rapporteur, he was bound by the decisions of the Member States that made up the Working Group. His task would be to try as much as possible to facilitate the emergence of a consensus.

23. **Mr. Alfarargi** (Special Rapporteur on the right to development) said that, in accordance with Human Rights Council resolution 36/9, he had begun to convene a series of regional consultations to identify good practices in designing, implementing, monitoring and assessing development policies and programmes that would be sustainable, inclusive and conducive to the realization of all human rights. He had also been working on methodology for conducting country visits to assess the implementation of the right to development. Seven countries had already responded positively to his requests, and his first visit, to Cabo Verde, was forthcoming.

24. Ever-increasing global challenges and crises posed a threat to the economic, social, cultural and political development of existing and future generations. International cooperation was recognized as a State obligation in various international legal and policy documents. South-South cooperation, for its part, had gained new momentum, becoming a vital element of the international cooperation architecture for sustainable development. It was an important complement to, rather than a substitute for, North-South cooperation. However, policymakers and stakeholders faced challenges such as unequal power relationships and benefit sharing and difficulties in mitigating adverse human rights impacts.

25. Nevertheless, South-South cooperation held much promise for the future and, as explained in his thematic report, its positive impact could be enhanced if a right-to-development perspective were incorporated into the process. The same applied to triangular cooperation. South-South cooperation programmes, policies and projects should promote a holistic understanding of development, in accordance with the right to development; they should empower rights-holders while assisting duty-bearers in meeting their obligations. Any discrimination or inequalities that impeded the realization of the right to development should be identified and addressed. The development outcomes of such cooperation as well as the processes themselves must be monitored and assessed in the light of human rights instruments and standards.

26. South-South cooperation could make important contributions through new multi-stakeholder partnerships for sustainable development, sharing and replication of good practices and the mobilization of additional resource channels for financing sustainable development.

27. **Ms. Alfeine** (Comoros), speaking on behalf of the African Group, said that the African Group had welcomed the first regional consultation on the

realization of the right to development for the African region, which had taken place in March 2018 in Addis Ababa in accordance with Human Rights Council resolution 36/9.

28. The fundamental tenets of the right to development were to be found in all the human rights instrumen' , including the Charter of the United Nations itself. That right was indivisible, independent and interrelated with all other human rights and was integral for the progress and prosperity of peoples around the world. It was unfortunate that the wider human rights debate often overlooked the pivotal role development could play in the promotion of fundamental rights and freedoms.

29. The global landscape was plagued by a wide array of seemingly intractable problems: poverty, rising inequality, the prevalence of economic and financial crises, large movements of refugees and migrants, climate change and environmental degradation, as well as unprecedented political crises and conflicts. Those problems denied people their fundamental right to development and could only be solved through collective and political solutions and with the cooperation of all States.

30. As gaps in wealth and technology widened, as famines, drought and natural and man-made disasters persisted and as terrorism afflicted many parts of the world, often as a direct result of social and economic marginalization, it was imperative that the international community worked together to create a more just and equitable world order. Such an order should allow for the fruits of globalization and development to be enjoyed by all. A shift in the collective will and global mindset was necessary to promote realization of the right to development.

31. **Ms. Savitri** (Indonesia) said that, as one of the staunch supporters of South-South cooperation with an active role and a longstanding contribution to that collaboration platform, Indonesia firmly believed that South-South cooperation had a pivotal role to play in ensuring the achievement of the 2030 Agenda for Sustainable Development and in realizing the right to development for all. However, despite its potential, which embodied important principles such as equality, inclusiveness, participation and national ownership, gaps persisted and there was an urgent need to integrate the perspective of the right to development into policies, programmes and other initiatives.

32. She sought the opinion of the Special Rapporteur on the most effective way of guaranteeing a holistic understanding of development and of translating it into real actions, bearing in mind that the concept transcended mere economic growth to embrace economic, social, cultural and political processes. How could it be ensured that expanding South-South cooperation would lead to revitalized partnerships and the full realization of the right to development? Lastly, she asked for further elaboration on the human rights impact assessment and the most effective way to integrate it into South-South cooperation initiatives.

33. **Ms. Moutchou** (Morocco) said that the driving force for the 2030 Agenda should be the aspiration, expressed in the Declaration on the Right to Development, to participation by every individual in the political, economic, cultural and social gains to be derived from development. Her delegation was conscious of the complexity and sensitivity of the discussions on the right to development and appreciated the Special Rapporteur's identification of the many challenges faced. She asked if the regional consultations were aimed at creating guidelines for the realization of that right and urged him to continue those consultations. Those efforts would surely guarantee harmonization of all activities and would avoid double standards.

34. **Mr. Forax** (Observer for the European Union) said that his delegation wished to reiterate its support for the right to development, based on the indivisibility, interdependence and universality of all human rights, the multidimensional nature of development strategies and the individual as a central subject of the development process. The right to development required the full realization of civil and political rights, together with economic, social and cultural rights, and a mix of policies, creating an enabling environment for individuals, involving a wide range of actors at different levels. A rights-based approach to development, encompassing all human rights, including the right to development, was essential. The primary responsibility for ensuring the right to development lay with the State.

35. The European Union remained strongly committed to achieving sustainable development and eradicating poverty, as outlined in the 2030 Agenda. For too long, development had been considered in isolation from human rights. The 2030 Agenda was the turning point — all human rights must be integrated with sustainable development strategies and their impact on the rights of individuals must be taken into account. With respect to South-South cooperation, it would be interesting to hear more on the possible actions that could be taken to enhance the capacity of women.

36. His delegation wished to restate that it was not in favour of the elaboration of a legally binding international instrument as it did not believe that such an instrument was the appropriate mechanism for

realizing the right to development. However, it remained ready to engage constructively in the forthcoming negotiations and to pursue a consensus.

37. **Ms. Diedricks** (South Africa) said that her Government would like to reiterate its commitment to the elaboration of a comprehensive legally binding instrument in the form of a convention containing a set of norms and standards, as required in international human rights law, for the effective realization and practical enjoyment of the right to development as a human right. The recommendation relating to the meaningful participation of all relevant stakeholders was of particular interest. Referring to the suggestion that States should create or designate national bodies or agencies dedicated to South-South cooperation, she requested further views on how such national mechanisms or bodies were envisaged and what role they would play.

38. **Ms. Mukhtar Ahmed** (Sudan) said that her delegation was among those that were increasingly conscious of the unprecedented crises that the world was facing, ranging from severe environmental degradation, widespread poverty and migration to food shortages and dwindling water resources. Performance in terms of the achievement of the Millennium Development Goals had been lower than expected. Likewise, the international community faced serious challenges in relation to the Sustainable Development Goals and suffering was widespread among many populations across the world. The right to development remained an elusive goal. She hoped that the Special Rapporteur's efforts would help to place the right to development at the top of the global agenda.

39. She would welcome further insight into best practices or measures to expedite implementation of the development process, bearing in mind the widening wealth and technological gaps and escalation of man-made crises such as famine, drought and terrorism, with a view to ensuring that all could benefit from the fruits of globalization and development and to limit efforts to undermine South-South cooperation.

40. **Ms. Ershadi** (Islamic Republic of Iran) said that for many years developing countries that were in a position to do so had provided financial assistance, capacity-building, skills and personnel exchange and technology transfer to other members of the South. That agenda had to be set by countries of the South and should be guided by the well-known principles that had led to South-South cooperation.

41. Following the untenable withdrawal by the United States from the Joint Comprehensive Plan of Action with Iran in defiance of Security Council resolution 2231 (2015), the United States authorities, on a regular basis, had been threatening Iranians with the strongest sanctions in history. The illegal and inhumane unilateral sanctions imposed and intensified by the United States against Iranians had severely affected the well-being of ordinary citizens, in particular the most vulnerable, including women, children, older persons and those in need of medical attention. The sanctions victimized civilians and targeted their access to basic health care services, medicine, food and education. It amounted to the collective punishment of civilians in defiance of international law, including international humanitarian and human rights law. The imposition of unilateral coercive measures continued to violate the human rights, in particular the right to development, of a whole nation. As those sanctions were being applied extraterritorially and the United States unlawfully asserted jurisdiction beyond its national borders, they also targeted human rights, including the right to development, of third parties. The relevant United Nations human rights rapporteurs, including the Special Rapporteur on the Right to Development, might be expected to stand up for the principles of international law and express themselves on those genocidal, mass violations of human rights of Iranians. The United Nations and its human rights mechanisms had a clear responsibility to confront and condemn such threats, which violated and endangered all of the basic human rights of all Iranians. Their prolonged silence was incomprehensible.

42. **Mr. Araújo Prado** (Brazil) said that it was fundamental to highlight the importance of South-South cooperation in the broader human rights agenda. Mutual benefits should also be promoted through horizontal relationships. He asked which best practices in the area of South-South cooperation could be replicated in order to promote the right to development and the 2030 Agenda.

43. **Mr. Castillo Santana** (Cuba) said that the Special Rapporteur, in accordance with his mandate, should provide technical assistance to States, international financial and economic institutions, and to the business sector and civil society with a view to the full realization of the right to development. The inequitable, antidemocratic international order that prevailed, coupled with egoism and the concentration of wealth, seriously undermined enjoyment of that right. Furthermore, wars, aggressions, threats to peace and unilateral coercive measures, such as the embargo imposed against Cuba by the United States of America, severely impacted all spheres of the country and were a flagrant violation of all the human rights of his people, including the right to development. Notwithstanding the

impact of that criminal policy, Cuba had recorded significant achievements in guaranteeing the rights of its population as well as that of other countries through major development cooperation programmes.

44. **Mr. Moussa** (Egypt) said that central to the endeavour to realize the right to development was the need to create a conducive, enabling international order that would allow for a more equitable distribution of the gains of globalization with the ultimate goal of comprehensive and sustainable development for all. He looked forward to the conclusion of the consultation process and the formulation of general guidelines for implementation of policies and programmes to promote the realization of the right to development. The wider human rights debates too often overlooked the pivotal role that development could play in the promotion of fundamental rights and freedoms.

45. Currently, the right to development was more pertinent than ever as wealth and technology gaps widened and famine, drought and natural and man-made disasters persisted. Exercising that right was crucial to the creation of a more just and equitable democratic world order. Given that South-South cooperation was a complement to and not a substitute for North-South cooperation, he asked how the international community could be sure that those cooperation relationships could be maintained while pursuing the right to development.

46. **Mr. Alfarargi** (Special Rapporteur on the right to development) said that the purpose of the regional discussions was to allow him to assess the situation first hand and work out, with all regional stakeholders, best practices for exercising the right to development. The results had been quite encouraging. Once the last group consultation had been completed, he envisaged the possibility of a global meeting attended by all five regional groupings of the United Nations system.

47. In response to the problem raised by the Islamic Republic of Iran, he said that he did not underestimate or wish to shy away from it. Those sanctions were indeed a violation of human rights and a denial of the right to development. However, Special Rapporteurs did not have the power or authority to solve that problem; they could do no more than attempt some sort of persuasion.

48. With respect to the other issues raised, he would attempt to give written answers. He would also welcome proposals of the kinds of issues Member States wished him to research and discuss.

49. **Mr. Sewanyana** (Independent Expert on the promotion of a democratic and equitable international order), presenting his report (A/73/158), said that the focus of his work would be less on the theoretical construct but more on the practice of democracy at the national level. He wished to engage States and relevant stakeholders on current obstacles to free, fair and inclusive elections, and, where appropriate, to identify best practices. The right to take part in the conduct of public affairs was essential to the realization of an international order that was democratic and equitable. That right applied not only to local affairs but also to global intergovernmental institutions. He would also examine how the right to participate in public affairs could be better realized in multilateral forums, with due attention to gender equality and civil society and, more importantly, how to make such institutions more responsive and inclusive.

50. Mindful of the adverse effects of corruption on the realization of a democratic and equitable international order and appreciative of the substantial work carried out in that area, he wished to engage States and other stakeholders on good practices that demonstrated effective private-public partnership, the enforcement of labour rights and environmental protection, and the commitment of businesses to non-discrimination and other rights-respecting practices.

51. Under the principle of open government, countries pledged to protect civil society organizations as a means of becoming more transparent, accountable and responsive to their own citizens. Recognizing the dangers faced by anti-corruption campaigners and other human rights defenders, he would also seek to analyse the connection between repression of civic activity and increased inequity.

52. Global governance forums unrelated to the United Nations, such as the Group of Seven, the Group of 20 and the World Economic Forum, played a part in developing the framework of the international order. It would be worthwhile to study their constitutions and practices, applying the principles of transparency, participation and accountability, with a view to strengthening their contribution to democratic governance and human rights.

53. International responses to global economic challenges, ranging from austerity measures to classical approaches to international investment, had proven insufficient to stem the causes and consequences of those phenomena. He intended to look at how the international community could better respond to those challenges in a way that would promote a more democratic and equitable world order.

54. Lastly, he wished to consider the nexus between youth, fragility, violence and opportunity. Young people were especially vulnerable in uncertain environments.

Limited access to resources, education, training, employment and a lack of economic opportunities constrained their prospects, leading them in some cases to resort to violence. They were also severely underrepresented in national, international and multilateral settings.

55. A new world order was possible, one that was based on universal respect for human rights, social justice, rule of law and equitable development. His mandate called for a holistic approach in an environment that would give due recognition to issues of participation, inclusion and transparency.

56. **Mr. Suárez Moreno** (Bolivarian Republic of Venezuela), speaking on behalf of the Non-Aligned Movement, said that the establishment of a peaceful and prosperous world and a just and equitable world order, on the basis of the Charter of the United Nations and international law, had always been at the centre of the priorities of the Non-Aligned Movement. The member States of the Movement wished to reiterate their deep concern at the growing tendency to resort to unilateralism and unilaterally imposed measures, which undermined the Charter of the United Nations and international law; furthermore they reiterated their commitment to the promotion, preservation and strengthening of multilateralism, involved in the decision-making process through the United Nations, by strictly adhering to the Charter and international law, with a view to establishing a just and equitable world order and global democratic governance. Democracy was a universal value based on the freely expressed will of the people to determine their own political, economic, social and cultural system and to participate fully in all aspects of their life.

57. **Mr. Castillo Santana** (Cuba) said that the Independent Expert should study international conditions and relations within the international community that facilitated or were an obstacle to the realization of a democratic and equitable international order. At the current session, Cuba would be presenting the draft resolution on that topic and hoped that it would receive strong support.

58. He asked the Independent Expert how he viewed the United States withdrawal from international agreements such as the Paris Agreement under the United Nations Framework Convention on Climate Change, its refusal to take part in negotiations on the Global Compact for Safe, Orderly and Regular Migration and its failure to accept language and documents agreed by consensus. Could such an attitude be considered as contributing to the promotion of a truly democratic and equitable order?

59. **Mr. Sewanyana** (Independent Expert on the promotion of a democratic and equitable world order) said that the right to development and the rule of law were issues that had no boundaries; they affected everyone. He was consulting widely with various stakeholders to establish the exact nature of the numerous barriers to the realization of a democratic and equitable international order. The current impasse stemmed from a series of problems: issues of solidarity, the imposition of unilateral coercive measures and the whole concept of State sovereignty. Many of those issues were cited by States when it suited them and discarded when it did not.

60. Strong partnerships were needed between the North and the South, together with a commitment between States, to ensure that those global values, respect for human rights, democracy and the rule of law would be realized. The Charter of the United Nations provided a very good basis for the realization of peace, security and democracy across the world. He was eager to cooperate with as many stakeholders as possible and looked forward to the support of Member States. He therefore welcomed the opportunity to interface with the Third Committee in realizing his mandate.

61. **Ms. Gebrekidan** (Eritrea) said that politicized and selective forms of addressing human rights contributed to confrontation and derailment rather than to the promotion of rights. Her country strongly encouraged Member States and United Nations bodies to cooperate and engage positively in order to identify the root causes of the human rights challenges faced by different countries. Those countries that had shown a genuine interest in promoting human rights everywhere, including in Eritrea, were to be commended for their support. Her Government attached a great deal of importance to the universal periodic review, which was an effective mechanism for addressing human rights. Since the establishment of that mechanism, Eritrea had participated actively and was working assiduously to implement the 92 recommendations. It was ready to proceed to the third reporting cycle.

62. Her delegation recognized that peace and security, development and human rights were mutually reinforcing and was committed to the implementation of the comprehensive development agenda. The encouraging developments in peace and joint regional economic, political and security agreements in the Horn of Africa would certainly contribute to progress towards peace, economic development and the respect for the human rights of people in the region.

63. **Mr. Tōnē** (Tonga) said that his country was pleased to be part of a global endeavour to promote and

protect the rights of all. His Government recognized the integral value of the principle of equal access to justice and commended the United Nations agencies that continued to work to strengthen respect for human rights within the justice system through capacity-building initiatives, such as the organization of seminars and the publication of studies on pressing issues.

64. The human rights of the people of Tonga were inextricably linked to the integrity of its terrestrial and marine environment, particularly in the face of climate change and sea-level rise. He therefore welcomed the Special Rapporteur's reference to the enjoyment of a safe, clean, healthy and sustainable environment.

65. His delegation remained gravely concerned about the scourge of drug abuse, which was plaguing societies worldwide. Addressing that problem was critical for the promotion and protection of human rights of all. The drug epidemic, although a criminal concern, was also a public health issue and international cooperation in combating it was vital.

66. As a small island developing State, Tonga valued the universal periodic review process, which had proved useful as a mechanism for reporting comprehensively and collectively on human rights obligations. Tonga was making steady progress in addressing various human rights obligations and commitments towards its people. His Government appreciated the ongoing support it received from its international and regional development partners and recognized that protecting the rights of its nationals was an obligation of the State.

67. **Mr. Margaryan** (Armenia) said that in April and May 2018, following a peaceful revolution led by the people, a new Government had come to power in Armenia, ushering in major changes in the country's political system and daily life. The revolution was a momentous time in the history of Armenia during which the citizens, with the youth and women at the forefront, fully exercised their fundamental freedoms of expression, belief and opinion as well as their freedom of peaceful assembly. The revolution galvanized citizens to participate in civic life and had since given them a sense of confidence that they could participate meaningfully and democratically in public affairs and political life. Currently, Armenia was preparing for parliamentary elections, which represented another step towards consolidation of genuine democratic transformation.

68. Armenia was determined to embark on a new generation of reforms, which would result in enhanced political pluralism, equal opportunities and the eradication of corruption. The political transformation brought about by the democratic developments in Armenia was expected to continue to increase direct participatory democracy, civic engagement and participation at various levels of government. A number of executive and legislative reforms had been initiated, including measures to promote women's participation.

69. In September 2015, the General Assembly, at the initiative of Armenia, had unanimously adopted a resolution proclaiming 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime. Her delegation would use the platform of that day to raise awareness of the goals of the Convention on the Prevention and Punishment of the Crime of Genocide and support its universalization.

70. **Ms. Pobee** (Ghana) said that the treaty body system had an immense potential to strengthen the protection of human rights and was a tool for advancing the rights of the most vulnerable in society including women, children and persons with disabilities. As such, it was indispensable for achieving inclusiveness and non-discrimination in the fulfilment of the Goals and targets of the 2030 Agenda.

71. The backlog of reports on implementation by States parties or non-compliance with reporting obligations must be urgently addressed. She was pleased to note, however, that the Office of the United Nations High Commissioner for Human Rights had taken measures to address some of the challenges confronting States Parties, including knowledge gaps, inadequate resources and lack of capacity of States to prepare their national reports.

72. Critical in those efforts was the improvement of the administration of justice at the national level. The Commission for Human Rights and Administrative Justice of Ghana, established under the 1992 Constitution, had the mandate to protect universal human rights and freedoms, including civil, political, economic and social rights. The Commission promoted respect for human rights through public education and awareness creation, research and monitoring. It investigated complaints of violations of fundamental human rights.

73. The Justice for All Programme was introduced in 2007 to decongest the country's prisons and promote the rights of prisoners, especially those in remand. Special in-prison courts had been established to review cases in order to avoid overcrowding of inmates awaiting trial. The programme had been beneficial to the poor who could not afford legal fees. A number of other laws had been enacted to ensure universal coverage in education, health and social protection for all Ghanaians, irrespective of their social circumstances. Equal

attention must be devoted to all components of the comprehensive body of human rights instruments particularly in meeting the minimum standards in the sphere of economic and social rights.

74. International cooperation was needed to assist Member States in adhering to their commitments to the promotion of human rights and fundamental freedoms and to ensure that the Universal Declaration of Human Rights and the provisions guaranteed therein were available to all persons without exception.

75. **Mr. Salarzai** (Afghanistan) said that, despite massive security challenges, the current reform agenda of his country was progressing at a rapid pace, with the promotion and protection of human rights as its core principle. The Afghanistan Peace and Development Framework had ushered in institutional reforms across sectors. Poverty alleviation, increased employment opportunities, improvement in health and educational indicators as well as adherence to the rule of law and combating corruption were key priorities for the Government, which supported efforts to uphold human rights for all Afghans.

76. The independent Human Rights Commission in Afghanistan had assumed a key role in monitoring, promoting and protecting human rights at all levels. Currently, Afghans enjoyed freedom of expression. Thanks to the Government's diligent efforts, the media had become among the most open and vibrant in the region.

77. However, despite significant gains, the prolonged war imposed against the Afghan people had deprived them of their basic right to life. Violence had robbed thousands of young Afghans of their innocence; many had fallen victim to the ongoing bloodshed, lost limbs in landmines, been recruited as child soldiers or, in some cases, lured into carrying out heinous suicide attacks. In application of various international instruments, such as the Convention on the Rights of the Child and the Declaration on the Rights of Children in Armed Conflict, the Government had adopted strong measures to safeguard the rights of children, including criminalization of the sexual abuse of children, regulation of juvenile rehabilitation centres and expansion of child protection units in the Afghan police recruitment centres.

78. In 2018, Afghanistan had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. His country had been elected to the Human Rights Council (2018–2020). However, while his country advocated for a more peaceful world where human rights for all would be respected, terrorists and violent extremists had continued to attack his people, undermining their political, civil, economic, social and cultural rights. For that reason, his Government had initiated a resolution on establishing an international day to remember and pay tribute to the victims of terrorism. Through that resolution, his delegation was garnering international support to enable victims to resume the exercise of their inalienable rights.

79. **Mr. Dzinadza** (Togo) said that his delegation wished to echo the concerns relating to the danger of politicizing the issue of human rights and to urge consensus and dialogue with a view to the greater protection and effective enjoyment of those rights. Appropriate mechanisms were needed to prevent threats to human rights, in particular in countries engaged in democratic processes.

80. The re-election of his country to the Human Rights Council was an opportunity for the Government to continue to consolidate democracy and the rule of law at the national level and to establish universal human rights and values. Economic and social rights would be upheld through programmes such as the National Development Programme, adopted in 2018 in accordance with the 2030 Agenda of the United Nations and Agenda 2063 of the African Union.

81. Since 2016, Togo had enacted a number of laws that incorporated the human rights conventions and treaties into its national legislation. The new penal code listed various recent types of offences and declared the crime of torture to be imprescriptible. The new Organic Law on the National Human Rights Committee, promulgated on 20 July 2018, complied with the Paris Principles and served as the national mechanism for the prevention of torture.

82. His delegation reiterated its willingness to work jointly with the other Member States, agencies and committed stakeholders to ensure that the promotion, protection and enjoyment of human rights were a reality throughout the world.

83. **Monsignor Grysa** (Observer for the Holy See) said that human rights and human dignity could never be allowed to become empty words uttered simply to assuage the collective conscience of members of the international community. The centrality of the human person in every aspect of the work of the Committee must be reaffirmed. Human rights always implied responsibilities, which were fulfilled through concrete commitment and actions, not just through ideas or words. Society must not only recognize the human rights of its people but also be resolute in meeting their basic needs and promoting their integral human development. Modern forms of ideological colonization

by the stronger and the wealthier to the detriment of the poorer and the most vulnerable were a cause for concern.

84. The Holy See remained concerned about the increasingly narrow interpretation of the right to life, both at the level of States and at the level of the treaty bodies and other human rights mechanisms. That tendency was apparent within the current human rights discourse that refused to recognize the inherent value and dignity of human life at every stage. That ideological approach sought to create a hierarchy of human rights by relativizing human dignity, assigning more value and even rights to the strong and healthy while discarding the weak. Such an ideology led to enormous inequalities and injustices, often ignoring children in the womb and treating the lives of older persons, migrants or people with disabilities as expendable or even a burden to society. The international community must ensure that approach, which reduced a person's dignity or capacity for self-affirmation and focused on achieving a balance between competing rights, did not become the defining logic of human rights in the future. Instead, the principles of justice, solidarity and the common good should prevail, since they promoted the good of the entire human family and the dignity of every human person no matter how vulnerable.

The meeting rose at 5.20 p.m.

United Nations A/C.3/73/SR.23

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Summary record of the 23rd meeting
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Chair: Mr. Saikal ..... (Afghanistan)

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18-17367 (E)

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The meeting was called to order at 10.05 a.m.

Agenda item 74: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/73/40, A/73/44, A/73/48, A/73/56, A/73/140, A/73/207, A/73/264, A/73/281, A/73/282 and A/73/309)

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(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/73/299, A/73/308, A/73/330, A/73/332, A/73/363, A/73/380, A/73/386, A/73/397, A/73/398 and A/73/404)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/73/36 and A/73/399)

1. **Ms. Janina** (Chair of the Committee on Enforced Disappearances), introducing the report of the Committee on Enforced Disappearances (A/73/56), which covered its thirteenth and fourteenth sessions, said that the main challenge for consolidating the mandate of the Committee lay in progressing towards the universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee looked forward to welcoming the States that had, during the universal periodic review, indicated their intention to do so.

2. Enforced disappearance was a heinous and unjustifiable crime that should have no place in modern society. Nevertheless, while no State admitted such acts, the growing number of urgent action requests received by the Committee on Enforced Disappearances showed that the phenomenon persisted. It was only by joining forces that it could be eliminated. Following periodic analyses of trends reflected by such requests and an analytical study initiated by the Committee on the main tendencies and conclusions revealed by its urgent action procedure, it was encouraging to note that, in some cases, cooperation by States had led to the alleged victim being located. The Committee was therefore eager to make full use of all key tools available to assist Member States in the effective implementation of the Convention. To date, however, only 22 of the 59 States parties had accepted the competence of the Committee to receive individual communications under article 31 of the Convention, which impeded its ability to fully support victims and accompany States parties towards the full implementation of their obligations under the convention.

3. The cooperation and support of civil society, in particular associations of relatives of disappeared persons, had been very valuable in helping the Committee on Enforced Disappearances to discharge its mandate effectively. Reiterating the importance of ensuring that human rights defenders could act freely, it strongly condemned all acts or threats against those who sought to cooperate or who had cooperated with the treaty bodies, in line with the San José guidelines against intimidation or reprisals. The Committee remained committed to the treaty body strengthening process and to complying with the objectives of General Assembly resolution 68/268 and was closely following discussions for the preparation of the 2020 review. Given the interconnections among all human rights, it welcomed the fact that the focus of the high-level political forum in 2019 would encompass the implementation of Sustainable Development Goal 16, which included an indicator on enforced disappearances.

4. **Mr. Elizondo** (Mexico), reiterated his country's commitment to collaborate with the Committee on Enforced Disappearances, noting that it was the first to participate in a follow-up dialogue on the implementation of its concluding observations and recommendations. Mexico had proposed a working plan to address urgent action requests efficiently. His country had strengthened its legal and institutional framework in line with the highest international investigative standards relating to searches for disappeared persons and was currently working to implement its newly adopted legislation and to improve coordination between federal and local authorities in order to meet the challenges involved.

5. **Mr. García Moritán** (Argentina), speaking also on behalf of France, said that the Convention on Enforced Disappearance formed part of an increasingly sophisticated legal framework that reflected greater awareness by the international community of the importance of such multilateral protection instruments.

In line with the request by the Office of the United Nations High Commissioner for Human Rights (OHCHR) for greater international mobilization on the issue, France and Argentina had launched an awareness campaign, in April 2018, to encourage all States to ratify the Convention and welcomed the recent decision by the Gambia to join. They also welcomed the decision of the Committee on Enforced Disappearances to establish a working group to prepare guidelines on the obligation to search for and locate disappeared persons. Information on how States parties would work with the new directives would be appreciated.

6. **Ms. Suzuki** (Japan), welcoming the increase in States parties and signatories to the Convention on Enforced Disappearance, said that enforced disappearances, which were a grave violation of human rights and human dignity, were still being reported worldwide and must be tackled as a universal issue. Doing so required adherence by all States to the Convention. Committed to continuing its active role in outreach activities and to strengthening its cooperation with the Committee on Enforced Disappearances, Japan had submitted its initial report to the Committee and looked forward to having a constructive dialogue as part of the review process.

7. **Mr. Forax** (Observer for the European Union), welcoming the recent ratification of the Convention on Enforced Disappearance by Benin and the Gambia and its signature by the Dominican Republic, said that efforts to increase the number of States parties must continue and must be shared among States and international and non-governmental organizations. The European Union encouraged the Committee on Enforced Disappearances to continue its work on transitional justice, in collaboration with OHCHR. He asked how the Committee planned to strengthen dialogue with States parties, in particular in its follow-up on national reports, and what collective strategy could be adopted, in particular by national human rights institutions, to increase ratification by States not yet parties to the Convention. He also requested further details on the creation of the working group on the obligation to search for and locate disappeared persons.

8. **Mr. Lafta** (Iraq) said that his delegation noted that paragraphs 39 and 40 of the report of the Committee on Enforced Disappearances (A/73/56) did not include the response of the Iraqi representative in Geneva describing the obstacles faced by Iraqi security institutions when carrying out search and investigation efforts. The Government sent information on preliminary investigations to the Committee on Enforced Disappearances in real time, during ongoing investigations, and, therefore, the Committee should not consider any response or lack of response to be final. The report also neglected to mention the cases that had recently been solved in coordination with the Committee on Enforced Disappearances.

9. Security agencies were sometimes unable to summon the relatives of allegedly disappeared persons or their lawyers to the Iraqi Human Rights Department for questioning because they had fled areas threatened by Islamic State in Iraq and the Levant (ISIL) without leaving a forwarding address or because the address provided by the Committee on Enforced Disappearances was incorrect. The Committee on Enforced Disappearances must contact the Iraqi representative in Geneva to arrange meetings between the missing individual's representatives and the Inspector General, and those representatives should appear for questioning before undertaking any travel. Iraq was also surprised by the claim in the report, apropos of a certain case, that Iraq had violated the Convention, as the situation in question had arisen through the failure of the Committee on Enforced Disappearances to coordinate with Iraq in advance. Furthermore, the Iraqi delegation condemned the use of the expression "re-victimized the victims" in paragraph 39 and urged the Committee on Enforced Disappearances to employ more measured language.

10. Certain cases mentioned in the report in fact concerned ISIL fighters who had been killed in battle, and requests for investigations were attempts to circumvent legal accountability or distort the image of Iraqi security agencies. The Committee on Enforced Disappearances must take care to seek credible information only, from trustworthy sources. The Iraqi Government called on the Special Rapporteur to visit Iraq so that she could examine its mechanisms in detail and meet the relevant officials, thereby enhancing cooperation and coordination.

11. **Ms. Janina** (Chair of the Committee on Enforced Disappearances) said that increased ratification of the Convention on Enforced Disappearance would make it easier to address the issue more globally. Achieving the goal of the United Nations High Commissioner for Human Rights to double ratifications by 2022 required collective action by all stakeholders. Such action could begin at the regional level, such as by identifying the concerns and obstacles preventing ratification by some European Union member States that were signatories. The Committee worked with all stakeholders, including through dialogue with civil society actors and national institutions, to identify ways to galvanize ratification. Sharing good practices could be an option to consider.

12. Some Member States erroneously believed that enforced disappearance no longer occurred or was a

strictly regional issue. Because the Convention had a preventive effect, it was important for States parties to promote the Convention to other Member States as an effective instrument for combating such occurrences. The Committee was eager to continue its work with all stakeholders to raise global awareness of the Convention and to identify further ways to universalize ratification in the short term.

13. The obligation to search for and locate victims of enforced disappearance was a permanent duty for all States parties to the Convention. Moreover, families had a right to ask State parties to search for loved ones who had disappeared. In seven years of dialogues with States parties and reviews of urgent actions, however, no uniform practices had been observed. The initiative to create a working group on the matter was aimed at identifying and standardizing best practices that could be useful to all States. Principles and practical guidance for States in conducting such searches were currently under analysis by the Committee and would cover methods for cooperation with States through the Committee mechanism, as well as through direct dialogue with representatives in Geneva and consultations with experts in the field, in an effort to provide States with the best ways to search for and locate disappeared persons so they could fulfil their obligations under the Convention.

14. The Committee appreciated the readiness of Mexico to embark on a new phase of collaboration through its first follow-up dialogue aimed at addressing issues involved in enforced disappearance. It was hoped that the positive steps taken, including new legislation and new procedures with regard to urgent action, would be bolstered by such improved dialogue. Other States parties were expected to follow suit, thereby strengthening the Committee's ability to provide assistance to States in fulfilling their obligations under the Convention. Such follow-up exchanges were not meant to overcome gaps in Committee competency but rather fell under article 29 of the Convention, whereby the Committee, given the legal boundaries of the Convention, could ask for additional information to carry out its aim.

15. The Committee appreciated the commitment expressed by Iraq with regard to its cooperation on urgent cases. As a person's life was at stake, speed was of the essence in reacting to such cases. States must coordinate with local and central authorities to find an effective way to cooperate with families of victims to collect any relevant data they may have on the last known appearance of a loved one so as to achieve the ultimate goal of discovering the fate of the disappeared person.

16. Encouraged by the cooperation of Member States, which was crucial, and their interest in the Committee's operating methods, the Committee remained ready to extend its facilities and expertise to assist States parties in establishing internal procedures and legislation so as to reduce the occurrence of the crime worldwide and to assist victims and their families.

17. **Mr. Duhaime** (Chair of the Working Group on Enforced or Involuntary Disappearances) said that, during the reporting period, the Working Group had continued to engage with Member States through country visits and communications procedures, including through the transmission of individual cases. Unfortunately, the number of new cases transmitted continued to be unacceptably high, and many other cases that might never reach the Working Group still deserved to be thoroughly documented and investigated. The fact that many States continued to resort to the heinous crime of enforced disappearance, including so-called short-term disappearances used to gather evidence through duress and coercion to finalize investigations during counter-terrorism operations, was an appalling offence to human dignity. Also worrisome was the extraterritorial abduction of individuals in a foreign country through undercover operations, with or without the acquiescence of the host State. While in most cases victims reappeared in detention in their home countries shortly thereafter, in other cases they remained disappeared, as in the case of Saudi journalist Jamal Khashoggi, which, while exceptional in its modalities, was only one among thousands of such cases.

18. On the International Day of the Victims of Enforced Disappearances, the Working Group had called on States to act urgently in cases of enforced disappearances, to carry out diligent and effective searches and investigations in good faith, as obligations under the Declaration on the Protection of All Persons from Enforced Disappearance and the Convention on Enforced Disappearance. An interim report on standards and public policies for an effective investigation of enforced disappearances had been presented to the Human Rights Council, outlining the main elements of the issue. While existing international standards provided some guidance for establishing a solid legal framework in such investigations, further study was required to determine how States should implement their obligation and to assess which rights and State obligations arose from the duty to investigate. All stakeholders, including States, families of the disappeared, civil society and United Nations mechanisms and agencies, were invited to provide relevant input on good practices and negative experiences.

19. Country visits were vital to a proper assessment of the prevalence of enforced disappearances globally and to the formulation of recommendations. In addition to their focus on challenges and shortcomings, such visits served to highlight country practices and to assist States in reducing obstacles to the implementation of the Declaration. They were a starting point in a continuous process, in which the ensuing recommendations could provide guidance to both Governments and civil society. All States that had received a request for a visit were invited to respond favourably. During the visit to the Gambia, the Government had shown good momentum for shedding light on past human rights violations, including enforced disappearances, having formally accepted all the recommendations of the Working Group and, more recently, ratified the Convention. The Working Group stood ready to provide further expertise in the crucial transitional justice process to guarantee, in practice, the right to truth, justice and reparation for victims.

20. During the reporting period, the Working Group had presented its observations and recommendations to the Human Rights Council on its visit to Ukraine and was currently finalizing its report. The Working Group had also submitted its follow-up report regarding visits to the western Balkans and reiterated its willingness to accompany Governments and authorities in the region and to assist families in their struggle for truth, justice and reparation. The Working Group also looked forward to working with the Government of Mali and all concerned stakeholders, especially human rights defenders and the relatives of disappeared persons, during its upcoming visit to that country.

21. Families of the disappeared and non-governmental organizations were sometimes the only voices in their countries calling for truth, justice and reparation for the victims and highlighting the plight of victims both nationally and internationally, including through cooperation with the Working Group, even in the face of frequent threats, intimidation and reprisals. States must take measures to prevent such acts and to protect those working to address the issue. The Working Group was grateful for the continuous support provided by donor States.

22. **Ms. Whitehead** (United States of America) said that her country remained concerned about enforced disappearances in the Crimean peninsula, the Syrian Arab Republic, Nicaragua, Iran, Burundi, Mexico and China; it urged the Governments of those States to provide information on individuals detained, release those arbitrarily and unjustly imprisoned and investigate and resolve disappearances. Congratulating Mexico on the passage of its law on disappearances in 2017, she asked what steps could be taken to increase pressure on Governments to investigate reports of enforced disappearances and how non-governmental organizations could most effectively ensure that Governments conducted full and transparent investigations and held those responsible to account.

23. **Mr. Forax** (Observer for the European Union) said that the large number of new cases of enforced disappearance, the increasing number of States involved and the numerous urgent action requests for so-called short-term disappearances were cause for great concern. The European Union therefore supported the call by the Working Group for a consultative role in the follow-up on conclusions formulated by commissions of inquiry and other investigative bodies created by the Human Rights Council in cases involving enforced disappearances. He would welcome information on the kind of dialogue used to encourage States to accept country visits by the Working Group. He wondered whether any connection had been identified between the issue of reprisals against those who collaborated with the Working Group and the failure of those involved to report cases of enforced disappearance.

24. **Ms. Chekrizova** (Russian Federation) said that her country always paid close attention to requests by the Working Group on Enforced or Involuntary Disappearances and responded in accordance with Russian law and the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance. Although Russian law enforcement agencies took all necessary measures to ascertain the fate of victims, that was very difficult if the alleged incidents had occurred decades earlier.

25. Recently the Working Group had often sent requests that lacked essential information about the alleged events or persons whose rights had been violated, such as only the victim's initials. Since there could be dozens of people with those initials in a single village, let alone the entire country, Government agencies had been unable to carry out substantive work on the requests. By sending such vague requests, the Working Group gave the impression that its aim was not to establish the truth but to signal in advance the presumption of guilt of alleged offenders. The Russian delegation had informed the Working Group time and again of the ineffectiveness of that method, which also contravened the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. Her delegation repeated its suggestion to improve the effectiveness of the Working Group by amending the Human Rights Council resolution defining its actions and working methods.

26. She advised the delegations of certain Western countries that had made unfounded statements about the Russian Federation to base their opinions about the situation in Russian territories on objective facts and direct contact with local inhabitants.

27. **Mr. Yaremenko** (Ukraine) said that his country reaffirmed its support for and commitment to international legislation and was ready to provide further cooperation and assistance to the mandate holder following his recent visit. Ukraine called upon the relevant bodies to pay close attention to the ongoing issue of enforced disappearances in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol when preparing their reports.

28. **Mr. Aldahhak** (Syrian Arab Republic) said that the representative of the United States had expressed concern regarding alleged enforced disappearances while at the same time ignoring her country's killing of civilians in Syria and other countries around the world on the pretext of promoting democracy, preventing the spread of weapons of mass destruction and fighting terrorism. She had also neglected to mention her country's collective punishment of Syria and its detention of civilians in secret transnational prisons. She also failed to mention the alleged disappearance of Jamal Khashoggi, given that the United States Government was currently studying the details of a deal it would enter into with the regime that was responsible for his disappearance and the funds that it would obtain to cover up the matter. His delegation would always reject such hypocrisy and double standards.

29. **Mr. Lu** Yuhui (China) said that his country was governed by the rule of law and strongly opposed enforced disappearances, which were an extreme action that violated human rights. It was clearly stipulated in the Constitution and laws of China that citizens had the right to personal liberty, and no organization, department or individual could unlawfully deprive a person of that right.

30. His delegation attached great importance to the human rights special procedures in their role in promoting and protecting human rights through constructive exchanges and cooperation and made timely and targeted responses to communications received from special procedures mandate-holders. When processing the relevant documentation, they should use true and reliable information and engage in constructive dialogue and cooperation with Governments, fully respect the materials supplied by the State concerned, and respect the judicial sovereignty of countries, and, under the guise of safeguarding human rights, refrain from interfering in the internal affairs of States or fail to call criminal offenders what they were.

31. His delegation firmly objected to the reckless commentary made by the Working Group regarding the lawful processing of criminals and suspects by the judicial authorities of China. Such irresponsible declarations constituted serious interference in the judicial sovereignty and internal affairs of China, trampled on the spirit of the rule of law, and violated the mandate of the relevant special procedures.

32. His delegation urged the Working Group to carry out its work in strict accordance with the purposes and principles of the Charter of the United Nations as well as the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, strictly adhere to the mandate of the Working Group, work objectively and fairly and distinguish right from wrong, and not to be misled by the ulterior motives of others.

33. Over the previous several years, the three forces of terrorism, separatism and extremism had organized and carried out violent terrorist acts, wantonly trampling over the basic human rights of various groups to life, health and development. The Chinese Government had drawn on the experiences of the international community in combating terrorism and extremism and, in exploring practical measures to fight those evils, adhered to a policy emphasizing prevention.

34. In dealing with those suspected of minor criminal offences, the Government acted in accordance with the criminal code, criminal procedure law, counter-terrorism laws and other relevant laws. An emphasis was placed on rehabilitation and redemption, and suspects received training in language and literacy skills, legal knowledge and professional skills at institutions of vocational education. Thus, the issues were addressed at the root and a strong line of defence against terrorism and extremism was built, ensuring to the greatest possible extent that the basic rights of citizens were not undermined by those forces.

35. Xinjiang was now generally stable, the situation was under control and improving, and no violent terrorist incidents had occurred over the previous 21 months. Public safety had improved significantly, religious extremism was effectively contained, and people were feeling more secure. Other delegations should refrain from making groundless accusations against China.

36. **Ms. Ershadi** (Islamic Republic of Iran) said that her delegation was concerned about the lack of progress in investigating secret Central Intelligence Agency prisons and rendition programmes. Iran appealed to the

international community to seek clarification on the fates of dozens of people who had disappeared under those illegal programmes run by the regime in Washington. Apparently, the hypocrisy of the United States did not recognize borders.

37. **Mr. Duhaime** (Chair of the Working Group on Enforced or Involuntary Disappearances) said that the families of the disappeared and members of civil society organizations often faced threats. While the contributions of those individuals were vital, it was important to note that States were obliged to investigate disappearances, even in the absence of a complaint. The next thematic report of the Working Group would contain a detailed analysis of investigation procedures and policies and would elaborate on the obligations contained in article 13 of the Declaration on the Protection of All Persons from Enforced Disappearance. The Working Group would also provide specific recommendations on how a State should structure an investigative team and how the teams should incorporate the work of specialized experts.

38. As for how States could be urged to take action on enforced disappearances and to accept Working Group requests for country visits, he said that the Working Group did not intend to criticize States; it only wished to help them implement the Declaration. Country visits were important because they allowed the members of the Working Group to speak directly with State authorities, the families of the disappeared and other stakeholders. Moreover, visits facilitated constructive dialogue with the authorities on measures, including legislation, to eradicate the phenomenon. A recent Working Group visit to the Gambia had been followed by the country's ratification of the Convention.

39. The Working Group was glad to hear that its views on the need for follow-up on the conclusions and recommendations of the international commissions of inquiry had been noted. It stood ready to offer assistance to families through the process of follow-up on documented cases. The Working Group carried out its humanitarian mandate of helping families to establish channels of communication with States with a view to establishing the whereabouts or fates of the disappeared. In situations where obtaining the necessary information on a missing individual was difficult, States were obliged to conduct investigations impartially, thoroughly and quickly, even if no complaint had been filed.

40. **Ms. Jimenez-Damary** (Special Rapporteur on the human rights of internally displaced persons), introducing her report (A/73/173), said that the report focused on transitional justice, which referred to the approach of countries emerging from conflict and repression to addressing systematic or widespread human rights violations beyond the scope of the normal justice system, as it related to internal displacement.

41. During a January 2018 visit to Libya she had been encouraged by the political will to protect and assist internally displaced persons shown by the Government, demonstrated by the establishment of a Ministry of State for Displaced Persons' Affairs. The Government had, however, failed to settle on a coherent approach to implementing comprehensive and effective responses, a gap which could be addressed through the development of a legal and policy road map based on the Guiding Principles on Internal Displacement. Non-State armed groups and de facto authorities were also obliged under international law to protect civilians, including internally displaced persons, in the territories under their control. Increasing numbers of internally displaced persons in Libya had been forced to leave the country, mainly for Europe.

42. In March, she had visited Niger, where a humanitarian and displacement crisis was growing in the areas bordering Mali and Nigeria. Currently, there were some 42,000 internally displaced persons in the Tillabéri and Tahoua regions, a significant increase since the March visit. The Government's recent efforts to develop a community-based approach to integrating internally displaced persons in Ayorou and Banibangou was welcome but should be strengthened. The authorities in Niger had demonstrated a commitment to developing a law on internally displaced persons that was in line with the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. In August, she had visited Chihuahua, Mexico, where she had participated in an international forum to mark the twentieth anniversary of the Guiding Principles on Internal Displacement.

43. **Ms. Melfald** (Norway) said that her delegation welcomed the call to participate in the planning and design of transitional justice processes. Norway also appreciated the call for greater attention to issues of sexual and gender-based violence. For a process of transitional justice to be successful, there needed to be a focus not only on restitution, but also on development. She asked how development agencies could meaningfully engage in transitional justice processes.

44. **Mr. McCulley** (United States of America) said that his country was a champion of the rights of internally displaced persons. It would continue to use its humanitarian assistance to improve the lives of those trapped by conflict or forced to move because of natural disasters. The United States was concerned about

internally displaced persons in Burma and Syria. In Burma, more than 100,000 internally displaced persons would face another winter with limited access to humanitarian aid and continued targeting by the Tatmadaw. In Idlib province in Syria, millions of internally displaced persons faced an uncertain future as regime forces pressed the enclave.

45. In light of the upcoming 2019 report by the United Nations Children's Fund on the rights of internally displaced children, he asked the Special Rapporteur to elaborate on the issues that should be highlighted by that document. What were the specific needs of displaced children, and what could the international community do to serve them?

46. **M. Forax** (Observer for the European Union) said that while Sustainable Development Goal 16 included targets to ensure equal access to justice for all, internally displaced persons were often barred from seeking justice. Transitional justice was often the only way forward for communities after a period of internal displacement. He asked for further elaboration on best practices in ensuring the meaningful participation of internally displaced persons in transitional justice initiatives.

47. The European Union commended the multi-stakeholder Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced Persons 2018–2020 and was interested to hear more about the role that could be played by regional organizations in its implementation. Lastly, the issue of internally displaced persons had not received adequate attention at United Nations Headquarters; he wondered how that oversight could be addressed.

48. **Ms. Elmarmuri** (Libya) said that her delegation welcomed the recent visit of the Special Rapporteur to Libya and had taken note of her recommendations. Despite the country's political crisis and ongoing instability, it had worked to address the issue of refugees and internally displaced persons, Libyans and others, who had been forced to leave their homes since 2011. To that end, the Government had created a special ministry for internally displaced persons. In addition, the Libyan Presidential Council had issued a decree establishing a committee to facilitate the return of more than 3,000 internally displaced families to their homes. The Government had also asked all local councils to relay data on damage to personal property owned by internally displaced persons living in their jurisdictions. A recent reconciliation agreement between the cities of Misrata and Tawargha affirmed the right of safe and voluntary return of Tawarghans to their homes.

49. **Ms. Frechin** (Switzerland) said that her country supported the cause of internally displaced persons and played a leading role in the prevention of atrocities. In addition, it had incorporated the issue of transitional justice in its multilateral and bilateral work. Internally displaced persons had often lost their livelihoods and the protection of their communities and were subject to various forms of violence and attacks on their human rights. The States responsible for the development of transitional justice processes often could not or did not want to take account of the internally displaced. Noting that the report had listed some good practices for addressing the issue of internally displaced persons, she asked how those practices could be shared more widely and whether particular platforms could be useful in that regard. Were any specific activities to disseminate good practices planned?

50. **Ms. Nassrullah** (Iraq) said that her Government had issued directives guaranteeing basic services in the regions liberated from ISIL. The directives instructed municipal councils to launch programmes to encourage the voluntary return of the displaced to their towns. More than 50 per cent of internally displaced persons had returned to their cities and villages, where Government agencies provided them with assistance, compensated them for property damage and distributed emergency food aid. Security institutions protected the liberated areas to ensure a safe environment for humanitarian workers cooperating with United Nations agencies and other international organizations. Sincere cooperation would be needed to avert the threat of terrorism and extremism in the future. In recognition of the crucial role played by Iraqi women in the restoration of stability and social cohesion in the liberated areas, the Government had launched a national plan to implement Security Council resolution 1325 (2000) on women and peace and security.

51. Iraq had provided internally displaced persons with financial and other forms of support, issued them with identity documents and paid the salaries of internally displaced employees. In addition, it had developed plans to absorb internally displaced students into local schools and universities. The Government's joint coordination and monitoring centre and the International Organization for Migration (IOM) had officially opened two community resource centres in Mosul and one in Fallujah and planned to establish centres in other governorates to provide basic services, liaison between citizens and executive authorities and information to returnees to the liberated areas.

52. **Mr. Rutkowski** (Austria) said that his country supported the Plan of Action and welcomed transitional justice initiatives. He asked to hear more on the role that

could be played by Member States in New York in implementing the Plan of Action, and on the link between transitional justice and durable solutions to the problem of displacement. His delegation agreed that internally displaced persons should be involved in decisions that affected them, and was interested to hear more on how such participation could be ensured at all stages of the transitional justice process.

53. **Ms. Kipiani** (Georgia) said that since the early 1990s, several waves of ethnic cleansing in the Georgian regions of Abkhazia and Tskhinvali had resulted in a situation in which 400,000 people were denied the right of return to their places of origin. To address the challenges emanating from that displacement, the Government had implemented national programmes and action plans and promoted social integration. The rights of internally displaced persons in Georgia were protected by law, including the right to adequate housing and protection from unlawful evictions. Almost 40,000 families had received durable housing assistance from the Government.

54. Despite numerous calls from the international community, the fundamental right of internally displaced persons and refugees to return to their places of origin was ignored by the Russian Federation, which exercised effective control over the Georgian occupied territories. The issue of displacement was a core agenda item of the Geneva international discussions, but the Russian Federation and its occupation regimes continued to deliberately disrupt the process through blackmail and walk-outs.

55. **Mr. Mikayilli** (Azerbaijan) said that his delegation supported global attention to the issue of internally displaced persons and the Special Rapporteur's important role in mainstreaming their human rights within the United Nations system. Despite its global scale, the issue of internally displaced persons did not receive enough attention from the international community. In her recent report to the Human Rights Council, the Special Rapporteur urged the international community to prioritize the issue. She also called on States to examine the causes of the dramatic increase in the number of internally displaced persons and to do more to prevent them, using diplomatic means to resolve conflicts. His delegation agreed that it was important for affected countries to include the issue of internal displacement in their plans to implement the Sustainable Development Goals.

56. **Ms. Chekrizova** (Russian Federation) said that mitigation of negative effects on internally displaced persons had become a prominent issue in recent years because internal displacement had intensified as a result of endless conflicts all over the world. Her delegation agreed with the Special Rapporteur's assessment of the importance of transitional justice, which could in the short term restore justice and alleviate the suffering of those compelled to leave their homes. Transitional justice could only really be effective, however, as part of a broader universal response to the root causes of internal displacement. First and foremost, it was important to find a political settlement to the conflicts in the States in question, promote their social and economic recovery, coordinate political, socioeconomic and humanitarian efforts, guarantee the safety of the population and protect citizens' human rights. Without coordinated efforts in those areas, any measures, including in relation to transitional justice, would be transient and ineffective.

57. Activities by international humanitarian agencies were vital to any response to the issue of internally displaced persons. It was crucial, however, that international bodies received consent from relevant States, worked in a neutral, independent, impartial and humane way and did not violate a country's national sovereignty.

58. In reply to the delegation of Georgia, she said that Abkhazia and South Ossetia were independent republics over which Russia exerted no effective control. Georgia could certainly improve the human rights situation by speaking directly with authorities of those sovereign States with a view to defusing the tension, rebuilding trust and bringing about constructive cooperation.

59. **Mr. Aldahhak** (Syrian Arab Republic) said that his country had strived to provide internally displaced persons with assistance and to rebuild what had been destroyed by terrorists. Internally displaced persons had managed to return to their homes in dignity and security, and the significant efforts made in that regard by the Syrian High Relief Committee and the coordination centre for the repatriation of Syrian refugees, in cooperation with friendly countries and United Nations organizations, should be recognized.

60. States must respect the principle of sovereignty and avoid politicization of humanitarian and development work. Furthermore, State supporters of terrorism must cease their violations of international law. While certain delegates had described their countries as champions of the internally displaced, the Syrian delegation believed that true champions respected international law and the Charter of the United Nations and sought to prevent, not fuel, conflicts.

61. **Ms. Stepanyan** (Armenia) said that her country, which had experienced large-scale displacement, strongly believed that the responsibility for assisting

refugees and internally displaced persons rested with the national authorities. Since the early 1990s, Armenia had implemented integration policies and a special housing action plan for internally displaced persons. It had also provided them with increased access to social and health services, education and employment. Armenia had not built camps and collective centres for its affected populations, but rather directed its efforts and resources at sustainable solutions and the full social integration of internally displaced persons and refugees.

62. Armenia had never politicized the issue of displacement at the expense of human rights and dignity. Internally displaced persons from all conflict-affected areas should receive the same treatment and should have the same access to international mechanisms. International organizations, including all United Nations agencies and [rapporteurs] special procedures, should have unhindered access to affected populations, regardless of the legal status of territories. Accordingly, any attempts to place limits and conditions on international agencies in that regard should be strongly rejected.

63. **Ms. Jimenez-Damary** (Special Rapporteur on the human rights of internally displaced persons) said that preventing internal displacement, protecting internally displaced persons and finding solutions to the problem were the responsibility of the State concerned. Internal displacement was not only a humanitarian issue but also a development and justice issue. It was important for development agencies to be involved in the entire transitional justice process. It was no accident that the United Nations Development Programme incorporated transitional justice in its work, and, as one of the delegates had pointed out, Sustainable Development Goal 16 included transitional justice in its remit.

64. The current moment was ripe for constructive engagement on the issue of internally displaced children. In 2019, she would take advantage of the special focus on the issue occasioned by the thirtieth anniversary of the Convention of the Rights of the Child to present a report to the General Assembly on the rights of internally displaced children. Multi-stakeholder collaboration on the issue was important, and the specific vulnerabilities and rights of displaced children needed to be recognized.

65. Her report highlighted the cross-cutting issue of participation by internally displaced persons, which was one of the four priorities for change contained in the Plan of Action. Stringent standards should be used when assessing the participation of internally displaced persons in all relevant policies and programmes. Judgments in criminal cases increasingly held violators accountable when it came to forced displacement. The previous day, a court in one State had issued a historic ruling stating that forced displacement was a crime against humanity and a war crime.

66. The delegation of the European Union had pointed out that the issue of internal displacement had not received due attention at United Nations Headquarters; indeed, internally displaced persons had not been visible as participants at events. In June, in Geneva, she had facilitated the participation of internally displaced persons in Human Rights Council events and hoped that similar engagement could take place in New York. It was important to hear the voices of internally displaced persons themselves because although they were vulnerable, they also enjoyed political agency and could impart valuable lessons.

67. As for platforms that could be used to help disseminate the report, a series of public events had just been launched to spread awareness of the report, and she encouraged States to take part in sharing the report. States were also encouraged to integrate transitional justice into their policies and operational responses, as it would be effective only as part of a comprehensive approach to internal displacement that incorporated peacebuilding and reconciliation initiatives. She supported the initiative to convene a high-level panel in New York and recommended that it incorporate the good practices that had been developed under the auspices of the Plan of Action.

68. States, international agencies and regional organizations must cooperate to address and prevent internal displacement and protect displaced populations. International, regional and national organizations must be allowed access to internally displaced populations so that they could offer solidarity to victims of human rights abuses, and to give internally displaced persons a voice in decisions that affected them. She encouraged Member States to respond positively to her requests for country visits.

The meeting rose at 12.15 p.m.